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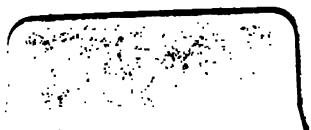
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“ EVERY British subject who can express his thoughts in writing, may be considered as having some influence on public affairs, and on the policy of his country. Public measures he may blame, if he do it with decency ; which every man will do, who does it with a good design. Plans of improvement he may propose ; and advice he may suggest to the greatest persons in the kingdom. And, if his reasons be good, they cannot fail, in a free country like this, to draw attention.”

Dr. BEATTIE'S *Moral Science*, Part III. § 849.

The Author of the following Address begs leave to present a copy of it to
on account of some remarks therein on some of the Measures recommended in Earl Stanhope's political Publications, for the adoption of the Legislature, and which, in his Lordship's conscientious conviction, “ would be most conducive to the public security and welfare,” and that “ it is only by such measures ”—“ that this country can hope to escape from the evils which it now suffers, and from the still greater evils with which it is threatened.”

See page 93, &c., for Remarks on the Reduction of Debts.

130, Note * for Remarks on the Commutation of Tithes.

132, Note † Ditto

Ditto.

J. H. 1831.

AN ADDRESS

TO THE

RIGHT HONOURABLE

PHILIP HENRY EARL STANHOPE,

ON THE SUBJECT OF

A SURVEY OF CHEVENING PARK,

MADE FOR HIS LORDSHIP IN

1817.

By ABRAHAM BARHAM,

LAND-SURVEYOR, CHEVENING, KENT.

PRINTED BY THE AUTHOR.

1831.

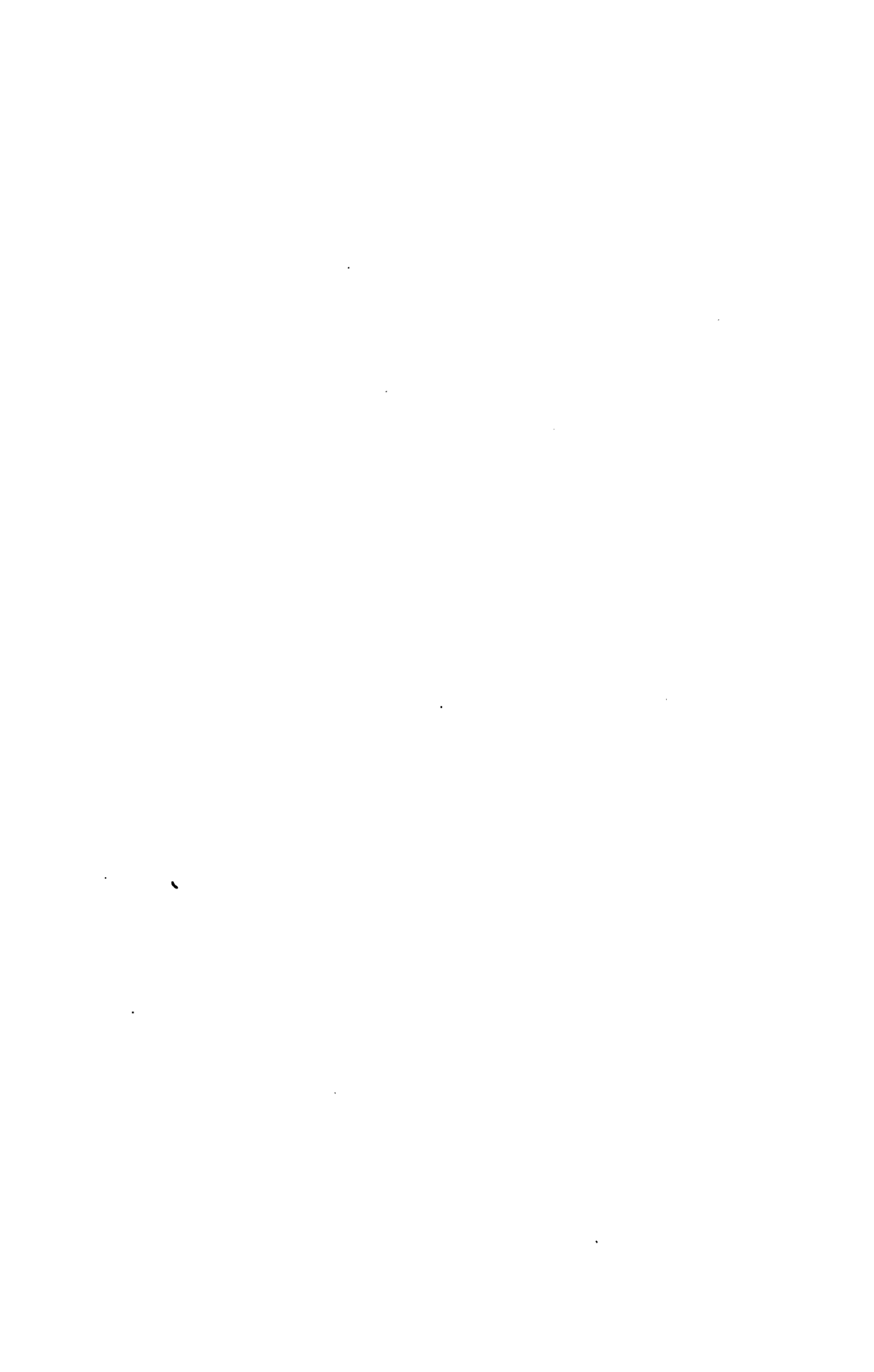
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ADVERTISEMENT.

THE following Address was begun to be printed last April, the Author fully expecting it would be completed to present to EARL STANHOPE upon the day on which it is dated, namely, the 13th of May; but after a few sheets had been printed, some unexpected and unavoidable occurrences called off the Author's attention from the subject, and caused several months' delay in the printing, so that the last sheet could not be completed until the present month, March, 1831.



TO THE RIGHT HONOURABLE
PHILIP HENRY EARL STANHOPE.

MAY IT PLEASE YOUR LORDSHIP, May 13, 1830.

IF a person tells me that he thinks I have made an attempt to defraud him, and if, after all my endeavours to convince him to the contrary, he tells me that he still adheres to the same opinion, and that he has consulted with knowing and experienced persons on the subject of the accusation, and that they say his opinion is right; if such an accusation be brought against any one, and if the accuser decline to withdraw his charge, then for the accused person *openly* to refute the charge, is the only course which he has left to counteract the injury which it may have already done to him in the opinion of other persons, and to forelay and intercept its future working against him both openly and in the dark.

Whosoever is wrongfully accused of any crime, is morally entitled to make it known as widely as he can that he is not guilty.* Guilty or not guilty, it is not justice to condemn without trial; it is not justice to mulct and brand the accused without his having "licence" (openly) "to answer for himself concerning the crime laid against him."

* There is no right of which the people of these kingdoms are more jealous (says Dr. Beattie) than the liberty of the press. This is a good security against oppression, and answers many other excellent purposes. If a man be injuriously treated, in a case in which the law can give him no redress, (which will sometimes happen,) he may lay the matter before the public. And this teaches men to be attentive both to their own conduct and to the rights of their neighbour.—BEATTIE'S *Moral Science*, Sect. 848, 849, abridged. See Vol. II. p. 235, 2nd edition, Edinburgh, 1807.

To apply these remarks to the subject of discussion in the following pages.—In the year 1817 your Lordship put into my hand your Map, which was made for your Grandfather in 1776, containing the whole of your Kentish Estates, with an order to revise and correct it according to the altered state of the Property in 1817. In about a month after the Map had been altered and returned to you, your Lordship told me I had given you great satisfaction, and soon afterwards you ordered my bill. But after you had received the bill nearly a year, and upon my waiting on your Lordship respecting some parish business, about which you had desired to see me, your Lordship took the occasion to tell me that I had charged a great deal too high a price for my work, and that I had measured a great deal more land than was needful, to make the corrections which you required. I then did my endeavour to vindicate my conduct; but your Lordship did not pay my bill, and not hearing from you for three months after this interview, I wrote to you, and repeated my explanations: to which your Lordship replied, declaring your adherence to the opinions you had before expressed to me on the subject; and, also, that you had been informed by persons of much knowledge and experience on these subjects, that the charges contained in my bill were exorbitant. Your Lordship found fault also with the charges of some other items in my bill; and after intimating that you had many other observations to make on the charges contained in my bill, concluded by saying, you thought that, *in justice* to yourself, and for my *satisfaction*, my bill ought to be referred to Arbitration.

I accepted your proposal, and your Lordship appointed a Referee on your behalf; but the Arbitration never took place, and my bill remained unpaid until 1829, nearly *twelve* years after the work was done. The question never went to trial; and although your Lordship at length paid my bill, *you have not withdrawn your accusations*: unless, therefore, I make known my defence to my neighbours, in the face of my Accuser, and in the face of every one else, and satisfactorily account for the delay, and why, at last, I did not meet the Charge, what can my neighbours conclude, but that I had no valid defence to make, and that your Lordship had

dropped the Inquiry out of pure clemency and grace—that after your Lordship had made use of the money *eleven* years and eleven months “*in justice to yourself*,” then out of sheer regard for my “*satisfaction*,” your Lordship had waved the proposed Arbitration, paid my bill, and let me escape?

The construction that will be put upon your Lordship’s accusations is, that I am doubly unconscionable; that, in the first place, I prolonged the *job* to increase the charge, and then charged at an exorbitant rate for the whole work done. I am, therefore, bound to use every endeavour to turn the tables against your Lordship; I am bound to repel these charges, and to convince my neighbours that it is NOT that I have no conscience, but that, on *this* subject, your Lordship has an *untrustworthy* judgment. To clear my credit I am bound, my Lord, to shew to my neighbours, that it was not ultimately my fault that the question between us did not go to trial, and that I have only this course left to counteract the baneful effects of your Lordship’s unfounded opinion of my conduct, on the opinions of other persons, and as the only chance which I have to rectify your own.

With these impressions I subscribe myself, as in my last letter to your Lordship,

Faithfully your Lordship’s, &c., &c.,

ABRAHAM BARHAM.

Copy of a Letter

TO THE RIGHT HONOURABLE PHILIP HENRY EARL STANHOPE,

Dated May 28, 1829.

MY LORD,

IT is now full ten years since I addressed your Lordship on the subject of our disagreement respecting my Remapping Chevening Park. My letter of explanation, dated Dec. 7th, 1818, not proving satisfactory to your Lordship, your Lordship replied by a letter from Mr. Fletcher, dated the 31st of the same month, which letter contained a repetition of your former objections to my bill, and your

adherence to them ; also a suggestion to refer the matter of disagreement between us to be settled by Arbitration. In reply to which, I wrote a note to Mr. Fletcher, the 19th August, 1819, in which I signified my willingness to accede to your Lordship's proposal, and apologized for the delay of my answer.

Some time after this Mr. Fletcher informed me that your Lordship intended to appoint a Mr. Scott, a Land Surveyor, in Surrey, to be an Arbitrator on your Lordship's behalf. It was not, however, until the middle of the ensuing winter that I heard any farther on the subject, when Mr. Fletcher informed me that Mr. Scott had accepted the appointment. The weather being very severe, and a deep snow on the ground, when I received this intimation, it was agreed between Mr. Fletcher and myself, that the Arbitration should stand over until the following spring, of 1820. From that time of communication with Mr. Fletcher, however, the affair rested without any stir or notice taken on either side, until the 10th July, 1827, a period of full seven years, when I wrote to Mr. Fletcher as follows :

SIR,

July 10, 1827.

As the dispute between Earl Stanhope and myself respecting the remeasuring of Chevening Park has never been settled, I beg you to inform Earl Stanhope, that I should now be very glad to have the matter brought to a conclusion. Although I have been allowed an indefinite time for my defence, and although I have deferred to meet the charge against me for so long a period, I could have wished to delay the matter a month longer, not being in very good health. But having been told that Earl Stanhope is expected to leave Chevening to proceed to the continent before that time, and to stay there several months, and if the Arbitration does not take place before his Lordship's departure, it is probable it will not suit me before next summer—I should be glad to have the Arbitration before his Lordship goes, if that will be agreeable to Earl Stanhope.

I am, Sir,

Your very obedient servant,

ABRAHAM BARHAM.

To Mr. Joseph Fletcher, Chevening.

In consequence of the above note of the 10th of July, 1827, Mr. Fletcher called on me on the 14th, with a message from Earl Stanhope, to say that his Lordship was very sorry that I had been kept out of my money; but that it was my own fault; that his Lordship was then expecting to leave England so shortly that he could not attend to the business at present, but that in the mean time I might have money upon account, and that his Lordship would attend to the Arbitration as soon as he returned; but that he did not see why we could not settle the matter by ourselves. To this I replied, that the delay of urging the proposed Arbitration was attributable to circumstances of my own, but that the settling the business by ourselves rested with Earl Stanhope; that his Lordship had accused me of doing more work than was ordered, and of charging him an exorbitant price for what I had done. This, I told Mr. Fletcher, I did not admit, and therefore I could see no way of settling the matter by *ourselves* consistently with my credit; that I declined taking any money on account, since my claim was disputed; I preferred letting the matter rest until *I had proved my due*.

Your Lordship returned to England either in the ensuing winter or early in the year 1828, and continued here until last autumn; but I heard not from you, not a word about going into the proposed Arbitration. On the 10th of September last I wrote to Mr. Fletcher to remind your Lordship of your promise. The following is a copy of my note:

SIR,

September 10, 1828.

As it was not convenient to Earl Stanhope that the proposed Arbitration, respecting the difference between us, should take place when I wrote to you on the subject last summer, I now write to request the favour of you to remind his Lordship on the subject, and to say that it will much oblige me if his Lordship will have the goodness to take the matter into consideration, and that the Arbitration may take place as soon as it will be agreeable to his Lordship.

I am, Sir,

Your obedient servant,

ABRAHAM BARHAM.

To Mr. Joseph Fletcher, Chevening.

On the 15th of the same month Mr. Fletcher called on me in consequence of the above note, which he said he had shewn to Earl Stanhope. Mr. Fletcher then said to me, "I have a proposition to make to you which may render the proposed Arbitration unnecessary; it is not, however, of Earl Stanhope's suggesting, but it was a thought altogether of my own, which I told his Lordship I would go and mention to you, and hear if it met your approval." I replied, I have a question which I wish, in the first place, to ask you: Can you inform me whether Earl Stanhope still adheres to his opinion that I have charged him for measuring more land than his Lordship authorized me to measure for him? Upon this inquiry Mr. Fletcher produced a paper *containing a long list of objections by your Lordship to the remeasuring of the Park and other lands*, and also to my rate of charges. I asked Mr. Fletcher for this paper, but he replied, he "had no instructions for that," that he "was only directed to read it to me." I had been under an expectation that Mr. Fletcher would call on me in consequence of my note, and had anticipated that probably his reply to my question would be, "Earl Stanhope still adheres to his former opinions." I had, therefore, previously written down some remarks for the purpose, in that case, to read to Mr. Fletcher. The following is a copy of the same:

"In the letter which I received from Mr. Fletcher, dated the 30th of December, 1818, stated therein to have been written *by Earl Stanhope's desire*, in alluding to the remeasuring of Chevening Park, it is asserted, that there did not exist any necessity whatever to remeasure the *whole* Park. I have charged Earl Stanhope for measuring the *whole* Park, yet, I contend, that I have not charged for measuring more land than Earl Stanhope *himself* gave me authority to measure. If, therefore, his Lordship's opinion remains unchanged upon that point, we are still thereon at issue, and it will be for me to make good my assertion to the satisfaction of the Referees if I can; but until that point is settled all discussion, as to the justice of my charges for remeasurement, I consider premature."

Mr. Fletcher's aforesaid letter concludes as follows:

"Earl Stanhope has not delayed the payment of your Bill on account of the 'magnitude' of the charge as you suppose, but on account of the charges appearing to him unreasonable and exorbitant.

He has many other observations to make on the charges contained in your Bill, and he thinks that, in justice to himself and for your satisfaction, your Bill ought to be referred to Arbitration."

With respect to Earl Stanhope's justification,* there cannot be a question as to his Lordship's being entitled to investigate any claim on him which, in his opinion, is unjust, any more than there is of my right to satisfy his Lordship (if I can) that his opinion of the exorbitancy of my claim is unfounded. When Earl Stanhope first apprized me of his objection to my charges, his Lordship intimated that I ought to make an abatement; but I am not conscious of having committed any wrong, and therefore I cannot accede to any such requisition *as a matter of right*.

One of Earl Stanhope's motives for suggesting a reference to Arbitration was for my satisfaction. I take this as a matter of kindness, as well as of justice, on the part of Earl Stanhope: at the same time, I must beg leave to assure his Lordship, that he cannot be more desirous to satisfy me of the justice of his opinions, than I am to satisfy his Lordship of the rectitude of my conduct: but I must be free to add, and it is with no little regret, that the longer I have thought on the subject, the more I have despaired of being able to convince his Lordship that he is in error, *by any other course than by an appeal to Arbitration*—the course which, from the first, his Lordship's regard for justice prompted him spontaneously to suggest. I copied that paper for Mr. Fletcher, and which he promised to lay before your Lordship.

I have stated above, that Mr. Fletcher said he had a proposition to make, with a view of obviating the proposed Arbitration, but which he added was altogether a suggestion of his own, and which he had told your Lordship he would try if it met my approval. It appeared that Mr. Fletcher, actuated by the amicable desire to put an end to a controversy, in which he had set it down as a matter of

* Earl Stanhope could not be blamable in objecting to a charge which appeared "to him unreasonable and exorbitant," nor for refusing to pay a demand without investigation, if it appeared to him unjust; but, whether his Lordship *ought* to have been satisfied with my explanations, and to have paid my bill without giving me further trouble, is quite another affair. That is the point on which we differ.

course, that your Lordship was in the right, and that I was in the wrong, had volunteered to sound me if I was willing to compromise, by making an abatement of my charges. This I told Mr. Fletcher I would not listen to ; and that I should have done the same if the proposal had been to pay the full amount of my Bill. Although it appears to your Lordship that "the charges contained in my bill are unreasonable and exorbitant," I contend that your Lordship is in error, and that your Lordship has had the use of money which you ought to have paid me eleven years ago : and that not to pay interest for it, is to inflict a penalty which I have no right to suffer, and which, if I can prove my cause is just, I do not see how referees can, in equity, refuse to award your Lordship to pay ; nor indeed do I see, if I succeed at length in satisfying your Lordship of the justice of my cause, how your Lordship can in conscience refuse to pay me.

But this is of very minor consideration. The payment of my bill has been delayed on the alleged ground of exorbitant charges and of other misdoings. To compromise an accusation of dishonesty, implies either a want of principle or a want of resolution—either a guilty conscience or a fear that our opponent is too mighty for us to encounter, with any hope of fair play. All compromise at the expense of probity of character I should reject with disdain. Your Lordship must know that I cannot accede to any offer whatsoever of compromise, without the sacrifice of character. What would it avail me to pretend that I did not know whether I was overcharging your Lordship for my work or not ? And, if it be proved that I have charged for measuring lands which were already measured to my hand, to say in excuse that it arose from inadvertence, were to confess myself totally unfit to follow my calling. Your Lordship must very well know, that to bring such accusations against me, is to leave me no choice but to renounce all pretension to principle, or to defy your Lordship to prove your accusations true.

As I have heard nothing on the subject from your Lordship since Mr. Fletcher called on me last September ; as your Lordship has taken no notice of the paper which Mr. Fletcher then had of me to lay before you, the purpose of this statement therefore is again to urge your Lordship to give me an opportunity to clear myself from your accusations, if I can, *by an appeal to Arbitration.*

I have always understood that, in this country, the accused, however lowly his station, is entitled to a fair and open trial, *face to face* with his accuser, whosoever he may be. It is the open confronting of the accuser with the accused that is the palladium of justice. We read of this practice of old even among Pagans. "It is not the manner of the Romans to deliver any man to die, before that he which is accused have the accuser *face to face*, and have licence to answer for himself concerning the crime laid against him." (Acts xxv. 16.) "I will hear thee," said Felix to Paul, "when thine accusers are *also* come." (Acts xxiii. 35.)

Without the observance of this rule, the ceremonials of Judicature are but a mummery and mockery. The most exalted nation of old knew that this manner of justice was the pillar of their State. Strike away this support, and down comes English chieftly. In England, the inferior, if wronged by the Superior, will NOT remain passive. In THIS country, my Lord, the injured inferior will dare to complain—the guiltless accused will reply and expostulate.*

If from the disparity of the parties it be optional with your Lordship to regard neither consistency nor justice, yet the power to refuse justice takes not away one tittle from the right to require it. A reference to Arbitration was your Lordship's spontaneous suggestion. I call upon your Lordship to stand to your proposal, to bring your accusations before a competent Tribunal, and *face to face* to hear my defence. If your Lordship retracts, and refuses the Arbitration, what can I conclude, but that it is your Lordship's *wish* to let the matter remain *just* in its present state, rather than have it brought to an issue, or that Mr. Scott has since declined his appointment, and that your Lordship has been unable to find any Surveyor who will

* It is not in animal nature undebased to be content under wrong. It is the enslaved spaniel only that is wont to crouch and fawn to conciliate the aggressor. To creep and cringe, to supplicate, to lick the inflictive hand, in return for unprovoked injury, is nature perverted, abased, subdued—nature laid prostrate by long subjugation. In this country, the wronged, who is not in a condition to cope with the aggressor, will memorialize, and not in strains of whining and puling, but by strenuous remonstrance. In this country, those who disdain to commit rognery will not be quietly classed among rogues.

tell you, even upon your own shewing, that your case is tenable? But, where are those knowing and experienced persons, on these subjects, whom your Lordship was wont to consult at the outset? Will none of those whom your Lordship found prompt enough to convict the absent accused, undertake to carry your Lordship through, when both sides, *face to face*, come to be heard? Is your Lordship's case so revoltingly bad that *not one* of these can make sure to find justice on the side of the Noble and Rich against the Obscure and Powerless, when both sides come to be heard? Be this as it may, while your Lordship professes to adhere to such injurious opinions of my conduct, your Lordship's delay of the Arbitration is a denial of justice.

To recapitulate. In July, 1827, I wrote a note to Mr. Fletcher as above related, to request your Lordship to proceed in the long-delayed Arbitration, and expressing myself very anxious to bring the matter to an early issue. It was not then convenient to your Lordship to attend to the business, but I was promised by a message from your Lordship in reply to that note, that as soon as you returned to England, you would attend to it. Your Lordship, I believe, was in England the whole of the following spring and summer, but I heard nothing from you; and when I wrote to Mr. Fletcher last September, again to express my solicitude to proceed to the Arbitration, all the reply I obtained was, Mr. Fletcher called on me and read over a long paper from your Lordship, repeating your former objections to my bill, and with many more added, and also to make a proposition of compromise as above related. Compromise I declared was out of the question, where character was involved, and that I would not listen to any such proposal; but I requested Mr. Fletcher to lay before your Lordship the paper above copied, stating that I saw no way out of the difficulty *but by an appeal to Arbitration*, as your Lordship had at first suggested. This occurred on the 15th of last September, now more than eight months ago, since which time I have heard nothing further on the matter from your Lordship, although I believe your Lordship has been in England ever since.

I take it for certain, that Mr. Fletcher has, from time to time, duly and correctly apprized your Lordship of all that has passed between us hereon, and I therefore conclude it will be to no purpose

whatever to renew my application to him, which is the reason of my addressing this directly to your Lordship. Whether or no this course will be attended by better fortune than the other, experience of the past has pointed out *this*, as the only course likely to avail.

“ There was in a city a Judge,
And there was a Widow in that city ;
And she came unto him, saying,
Hear my cause and give judgment.
And he would not for a while,
But afterward he said within himself,
Because this Widow troubleth me,
I will hear her, lest by her continual
Coming she weary me.”

Luke xviii. 2—5, abridged.

I am, my LORD,

Faithfully,

Your Lordship's painful Admonisher,

ABRAHAM BARHAM.

The second day after the date of the above letter, Mr. Fletcher brought me a reply from your Lordship as follows :

“ *May* 30, 1829.

“ Fletcher is directed to state to Mr. Barham in answer to a long paper which he lately sent to Earl Stanhope, and which contained some unfounded and some irrelevant observations,

“ 1. That Earl Stanhope did not, and does not, decline to settle by Arbitration the question between him and Mr. Barham.

“ 2. That in this, as in other cases, the Arbitration would be binding upon both parties, but would not necessarily alter the opinion of either party upon the question itself.

“ 3. That Earl Stanhope did not propose a “ compromise,” that is, an adjustment by concessions on both sides, but was ready, if Mr. Barham wished it, to enter into another discussion with him upon the subject.

" 4. That the delay in the Arbitration is much regretted by Earl Stanhope, but is not to be ascribed solely to him, which Mr. Barham admitted to be the case, and arose lately from the difficulty of finding a competent person in the neighbourhood.

" 5. That Earl Stanhope is anxious to avoid all further delay, and is willing to pay immediately the whole of Mr. Barham's demand."

When Mr. Fletcher had finished reading this answer to me, he offered to pay me the amount of my bill. I told him that your Lordship's answer stated you were willing to pay me the whole of my demand, and that in my letter to your Lordship it was expressly stated, that I considered myself entitled, in *equity*, to interest on my bill, as a compensation for my loss by the delay of payment, your Lordship having had the use of the money which you ought to have paid me eleven years before. To this Mr. Fletcher replied, he had no order to pay any more than the amount of my bill. I said, Then I decline to take the money, until I have written to Earl Stanhope again, and I will thank you to inform his Lordship that I will reply to his answer to my letter. Mr. Fletcher said, he would inquire of your Lordship if you would pay me any interest, and that he would call on me again on the Monday morning following, (this occurrence being of a Saturday,) and that he wished me not to write to your Lordship again before I had heard the result of his inquiry. To this wish I assented. Before, however, I had received your Lordship's answer, it occurred to me that it would be better for me to state in *writing* my reasons for declining to take the money offered, in order to obviate all misunderstanding on that head, which might chance to happen from a verbal report; and early on the Monday morning I wrote to Mr. Fletcher as follows :

SIR,

Monday Morning, June 1, 1829.

I promised you when you called on me (last Saturday), that I would not write to Earl Stanhope until I had heard from you again, which is the reason of my writing this to you, and which I beg you to lay before his Lordship.

It appears from the paper which you left with me on Saturday by

Earl Stanhope's direction, that his Lordship's opinion on the question in issue between us remains unchanged; but that his Lordship, "anxious to avoid all further delay, is willing to pay immediately the whole of Mr. Barham's demand."

Earl Stanhope cannot have mistaken that the purport of my letter to his Lordship was not to demand money, but it was to get his Lordship's leave to prove the justice of my claim, which his Lordship has for *eleven* years denied, and still continues not to admit. In respect to the "whole of my demand," which his Lordship has expressed his willingness to pay, I don't know that I have any *legal* demand on his Lordship but for the amount of my bill; but I stated in my letter, that if I could prove the justice of my claim, I was entitled, in *equity*, to interest on the amount of my bill for the time the payment was delayed, and which I expected Arbitrators would allow me. The loss which I have sustained on this account, namely, the *eleven* years' interest, at 5 per cent., exceeds fifty pounds. If my charges are just, why should I be mulcted in this penalty? Why, but because of my fidelity to my trust, and because I have already favoured his Lordship in my charges?

If I am offered the amount of my bill, and I refuse to accept it, I do not know that I shall afterwards have any *legal* claim on his Lordship for a shilling. If, therefore, I am again offered the whole amount of my bill I will not refuse it, and for this reason; the fourth article in Earl Stanhope's reply states, that the delay in the Arbitration "arose lately from the difficulty of finding a competent person in the neighbourhood." If Earl Stanhope has been seeking a competent judge on the subject, and of an honest principle, (and his Lordship would engage no other if he knew it,) and if he must also tell his Lordship that his opinions [and accusations] are just, it is no wonder that his Lordship has been seeking in vain—and if the Arbitration must be delayed until his Lordship finds such a person in "this" or any other "neighbourhood," I despair of any Arbitration ever taking place, and therefore, for that reason, I will not refuse the money if it is his Lordship's will to pay me. From the second article in Earl Stanhope's reply, it appears not only that his Lord-

ship's opinion is not changed, but that he does not expect it would be changed merely by the decision of Arbitrators. If, therefore, I take the money offered, I will still reserve my right to answer Earl Stanhope's remarks in reply to my letter, and also to state my case to my Neighbours at any future time, just the same as I should have stated it to the Referees in Earl Stanhope's presence if the proposed Arbitration had taken place. The ill opinion of a nobleman, with his thousands and his tens of thousands of pounds a-year income, against one of his little neighbours, however unfounded, has too baneful an influence to be allowed to go uncontradicted [and unfuted]. Whoever speaks or thinks ill of me without cause, and if I know it, I will not give up my natural right to clear myself, if I can.

All my neighbours well know of Earl Stanhope's resistance to my demand, and the alleged causes of his Lordship's resistance, and that I have not prosecuted my claim. This calls for an apology from me, and an apology shall be given. Not to answer an accusation is to be accounted guilty. Arbitration, therefore, or no arbitration, payment or no payment, it shall be seen whether my conduct will bear the light.

I am, Sir,

Your obedient servant,

ABRAHAM BARHAM.

☞ I wait a reply at Earl Stanhope's leisure.

Earl Stanhope did not keep me long in suspense. On the second morning after the date of the above letter, Mr. Fletcher called on me with a draft, drawn by Earl Stanhope on his Lordship's banker, for the amount of my bill, and with the reply of his Lordship, that he would pay no interest—"it was absurd."

I therefore accepted the draft, and returned an acquittance as follows :

Received the first of June, 1829, of the Right Honourable Earl Stanhope, the sum of eighty-eight pounds four shillings and sixpence,

as per bill, for Measuring and Mapping Land, &c., in 1817, without any interest for the delay of payment,

By me, ABRAHAM BARHAM.

£88. 4s. 6d.

TO THE RIGHT HONOURABLE PHILIP HENRY EARL STANHOPE.

MY LORD,

May 13, 1830.

YOUR Lordship's departure from England for the continent immediately after your payment of my bill, delayed my replying to your Lordship, in answer to your refusal to make me any compensation on account of the long-delayed payment, and in answer to your remarks on my letter to your Lordship of the 30th of last May. Mr. Fletcher, of course, duly acquainted your Lordship with my having declined his offer to pay me my bill, until he had consulted your Lordship about paying me interest, and I had heard from him your determination. Mr. Fletcher, no doubt, also laid before your Lordship my letter to him of the first of June, as I requested him to do, and by which your Lordship was apprized that, although I would not refuse to take the bare amount of my bill without any interest, if it were offered to me again, lest, if I refused to take it, I might not afterwards get any thing at all for my work, yet it was also therein expressly stated that, by so doing, I would not give up my right to reply to your Lordship, and also to state my case to my neighbours.

That your Lordship is *legally* justified in your refusal to pay me any interest on the debt, I doubt not, because I have always understood that a book-debt will not carry interest. But as your Lordship denies the *equity* of my claim to compensation on account of the delay of payment, I ought to be able to shew its equity, or else I ought not to have asked you for any compensation. This I shall endeavour to shew as follows:

If an exorbitant price is charged for work or for a commodity,

and the employer or customer refuses to pay the demand, the law will sanction his refusal, and, on proof of the overcharge, will insist on its being abated. This is very right. Yet how long so ever a workman or a tradesman is kept out of his due by a delay in the payment of his bill, the law, I believe, knows nothing about his having a right to compensation on account of any loss which he may have thereby sustained, although it might happen that an honest tradesman's loss upon such an occasion, was much greater than the loss sustained by a customer or an employer who had been imposed upon, and had paid an exorbitant charge. The reason of this apparent partiality in the law appears to me to be this : to charge an exorbitant price, is universally imputed to a culpable motive, to an act of wilful injustice ; but a debtor may delay the payment of a just debt without being in fault, and the law seems to have contemplated only the case of such debtors. Solomon says, "The borrower is servant to the lender." The debtor is subservient to the creditor, and it appears to me, that it must have been contemplated by the law, that no one wilfully gets into this humiliating condition. To subject a debtor to the payment of interest on a debt become in arrear through his misfortune, would be to crush the unfortunate. His inability to pay in due time may have been through the default of other persons towards him. The inability of a tradesman may have been caused by unavoidable losses in trade ; the inability of a farmer by unproductive seasons, and the like. In such case it may be morally binding on a creditor to partake of his debtor's misfortune, and to release him of part of his debt, rather than to require interest for the delay in the payment of it. And, furthermore, a creditor may at any time prosecute his claim against his debtor ; and if he suffer a culpable debtor to go long time in arrear, the law seems to say that, in such case, "a man not only may," but ought "to lose his own for want of asking for it," and, therefore, that, in losing the interest of a debt, the payment of which has been delayed by a culpable debtor, the creditor is accounted by the law to lose no more than he ought to charge to his own remissness.

But if the law of debtor and creditor has, in this respect, contemplated only the case of the unfortunate debtor, is it therefore morally

right that the Rich should avail himself of this lenity in the law towards the poor, and delay the payment of a just bill, or withhold the labourer's hire, and put the money out to use for his own advantage ? Is it a smaller crime in the Rich to do this, than it is for a Tradesman to charge an exorbitant price for his goods, or a Workman for his labour ? It is on this *moral* ground that I contend I am entitled to compensation for the loss sustained by the delay of the payment of my bill. Your Lordship's reply to my application by Mr. Fletcher was, "I shall pay no interest ; it is absurd." It behoves me to shew that it is just.

The work in question was done for your Lordship in 1817, and you continued to refuse to pay my bill until 1829. If the bill was just, the money was due as soon as the work was finished and delivered to you. But your Lordship denied the justice of my charges, and not being satisfied with my Explanations, you proposed that the difference should be referred to Arbitration. This proposal I accepted. The Arbitration, however, was never proceeded in, and your Lordship at length paying me my bill, the question as to the justice of my charges never came to trial, and your Lordship, therefore, refused to make me any compensation for the delay of payment. I must here quote a few words from my last letter to your Lordship. Your Lordship appointed Mr. Scott to be your Arbitrator. It was in the winter of 1819 that Mr. Fletcher informed me that Mr. Scott had accepted the appointment ; but the season being then very inclement, it was agreed between Mr. Fletcher and me that the meeting should be deferred until the following spring. The affair, however, lay *dormant* from that time until I resumed the subject by my note to Mr. Fletcher in July 1827, as I stated to your Lordship in my last letter. This lapse of nearly *eight* years I must place solely to my own account, because I had *not named**

* Although I did not name to Earl Stanhope any person on my part to meet his Lordship's Arbitrator, yet, before I gave his Lordship notice, in 1819, (see my Letter to Mr. Fletcher at p. 35,) that I was prepared to do so, I had engaged a Surveyor of the first repute, and of extensive and long-established practice in this County, and who would have been ready to attend on the Inquiry at any time since, had the proposed Arbitration taken place.

any person on my part to meet Mr. Scott, your Lordship's Arbitrator.

Your Lordship not stirring a step, but keeping silent all that time, was a tacit declaration of your willingness that I should take my own time of going to trial, and I all along considered, as my note to Mr. Fletcher in July, 1827, implies, that your Lordship had been all that time waiting solely on my account. The only portion, therefore, of the delay in the intended Arbitration which I attributed to your Lordship is subsequent to the date of my note to Mr. Fletcher in July 1827, that is to say, from July 1827 to June 1829, at which time I was paid my bill. Certainly I considered that down to July 1827, your Lordship was waiting on my account only. It is, however, obvious, that this delay could do no prejudice to your Lordship's case; the merits of the question at issue between us could be in no way affected by the delay of the Arbitration, and the documents of evidence, the Park and the Maps, remained in your own keeping. Whensoever the day of reckoning might come, if I were Cast, your Lordship would be the gainer by the delay, and the longer the delay the greater your gain; for if I were convicted of making an overcharge, I could have no pretence to ask for interest on the taxed bill; while, on the contrary, if the Arbiters acquitted me of blame, and awarded me interest on the amount of my bill for the time the payment had been unjustly withheld, your Lordship would have had no more to pay in addition to my original charge, in consequence of your losing your cause, than the amount of the accumulated interest which you had previously gained through your own error, and at my cost. Your Lordship was, therefore, at a sure lay, whensoever the proposed Arbitration should take place, since, whether I should be cast or acquitted, you could not be the loser, and might be the gainer. Whether the time that the proposed Arbitration was delayed on my account was owing to unavoidable hindrances, or to a reluctance I might feel to come to extremities with so powerful a Neighbour, I alone could be a loser by delay. But further, and what is most important, how long soever this delay may have been on my account, your Lordship knows that, after all, it was from a demur on your Lordship's side, and not from my shrinking from inquiry, that

the Meeting never took place. The Arbitration was eventually frustrated by an obstacle in the way on your Lordship's side, and not on mine. If, therefore, my bill is a just bill, if the original error, the root of all this trouble, is on your Lordship's side, I ought not to be the loser for your gain ; and the sole consideration, therefore, which ought to rule, whether you are bound in *equity* to make me compensation or not for the delay of payment, is this, namely, whether I have attempted to defraud your Lordship, or whether your Lordship has accused me wrongfully.

If I had been afforded an opportunity to vindicate my charges before a competent Inquest, the same judgment and integrity in my Judges which would have pronounced your Lordship's Accusations groundless, would never have allowed it to be right for your Lordship to profit by your own wrong-doing at my cost, but would have awarded me interest for the years which you had the use of the money before you paid my bill.

An Award of the bare amount of my original charge, after so many years' delay of the payment, instead of being a verdict of acquittal, would have been virtually a verdict of conviction. When your Lordship paid my bill, the work had been finished and delivered to you nearly twelve years, during which period you were, doubtless, making interest of the money. So well versed as I believe your Lordship is in the arithmetic of Profit and Loss, so well as your Lordship knows the power of Money to generate Money, you doubtless promptly availed yourself of the half-yearly returns of your Rent-days to put out to use the surplus thousands of your Revenue.

For me to prove, therefore, that I have given your Lordship no cause for complaint, is to prove, that you ought to pay over to me the profit which you have derived from your own wrong-doing ; and though to do this will be tacitly to confess that *you* have all along been in error, and that I am in the right, yet, if your Lordship should be at last convinced that you alone are the wrong-doer, then, to make such tacit confession of your error, is no more than you ought to do, as an atonement for the trouble and loss your error has caused, and for the undeserved ill-report which you have set forth against me.

It is no more than you ought to do for the sake of your own Conscience. On the other hand, I very well know that you can make no concession without conviction. I must very well know that so long as your opinion "upon the question itself" remains unaltered, it is impossible that your Lordship should retract or make any concession which might be taken for an acknowledgment of Error; and if my present efforts prove as unavailing as the past, I shall not haunt your Lordship by further importunity; I shall never name the subject to you any more; but from this time forth, instead of blaming your Lordship, I shall be satisfied that we are *fated* not to agree in our opinions on this subject.

My Lord, I hardly need say that I am already so thoroughly satisfied that such is our destiny, that I should never have obtruded the subject on you again, had it not been to refute to my Neighbours the imputation of my having endeavoured to defraud you, and which, if I had left unrefuted by *open* explanation, your Lordship would have entailed in perpetuity upon me.

I should now proceed to enter on my vindication by laying before your Lordship the statement which I had prepared for the purpose of addressing the Referees, in your presence, had the proposed trial taken place. But I have first to make some "observations" which I wish to offer on your Remarks on my last letter to you. Your "answer" begins by saying my letter contained "*some unfounded and some irrelevant observations.*"

As to my letter containing "*unfounded and irrelevant observations,*" I am not conscious of having made any such, and as your Lordship has not specified which of my "observations" you allude to, I can only answer generally, that I have asserted nothing but what I, at the same time, expressed the most anxious solicitude and the most earnest entreaty to *have an opportunity to prove*; and as to "*irrelevant observations,*" your Lordship and I have taken such different views of the question between us, it is very possible that there may be "*some observations*" in my letter which, in your Lordship's apprehension, are "*irrelevant,*" but which, in my own, the occasion expressly and urgently called for.

Your Lordship says, you did not propose a compromise. If

your Lordship will please to refer to my letter, you will find it was not stated that you did propose a compromise; but that Mr. Fletcher came to me of his own accord, to sound me if I were willing to make an abatement of my charge, instead of proceeding to Arbitration. In both places in my letter, in which this circumstance is mentioned, it is stated that Mr. Fletcher especially guarded me against supposing that his proposition came from your Lordship, but that the thought and the suggestion were altogether his own.

Again, your Lordship did not decline the Arbitration. Certainly you did not decline the Arbitration, but your Lordship seemed to me latterly quite indisposed to proceed to it. Previous to the date of my last letter to your Lordship, I had been nearly two years entreating you to proceed to the Arbitration, but all to no purpose; and at the time when I wrote that letter, (last May,) I had just heard that your Lordship was intending shortly to leave this country for the continent, and to stay there an indefinite time; it therefore appeared to me that either your Lordship had no desire to bring the question to an issue, or that Mr. Scott had ceased to hold the appointment of your Lordship's Referee, and that the office was vacant. It was pretty clear from your Lordship's demurring, that Mr. Scott had been either released or discarded, and that your Lordship was undesirous or unable to find a person to your approval in his stead; and the fact turned out to be that the delay on your part was not that you had declined the Arbitration, but that Mr. Scott had ceased to hold his appointment, and that your Lordship had been unable to find a person to your approval to place on the bench.

Your answer asserts, "That Earl Stanhope did not and does not decline to settle by Arbitration the question between him and Mr. Barham," but that "the delay in the Arbitration" "arose lately from the difficulty of finding a competent person in the neighbourhood."

"Is it so, that there is not a wise man among you? No, not one that is able to judge between his brethren?"

Did your Lordship find that the recent falling off of the Revenues of our Employers, the Land-owners, and the stopping of one-pound country bank notes, had made as great havoc among Land-measurers, as Jehu made among the Prophets of Baal? Or was it, that your Lordship was so super-delicate, so over-dainty in your choice of

a judge, that you could not find one person "competent" rightly to judge the question, and of integrity to give just judgment between the Great and the Small, and who, your Lordship was also morally certain, would conscientiously give sentence to my condemnation? Mr. Scott, whom your Lordship did appoint at the outset of this dispute to be an Arbitrator, was, and is, an utter stranger to me, and lived so far off from this neighbourhood, that I had not heard of his name before your Lordship employed him for your Surveyor, since this dispute arose between us. If, in your Lordship's opinion, the immediate neighbourhood did not afford a "competent" person to adjudge the question, all that your Lordship could be bound to do in "*justice to yourself and for my satisfaction*,"* was to engage a person as near the neighbourhood as circumstances admitted. My Lord, in my view of the case, the delay of the Arbitration, on your Lordship's side, arose not so much from the difficulty of finding a "competent person" to judge the "question itself," as from the difficulty to find any person willing to be put on the bench in so clear a case against a person of your Lordship's power and influence. If your Lordship's case had not been rotten from the rind to the core, if any semblance of justice could have been set up on your Lordship's side, it requires but little intercourse with the world to know, that your Lordship would have experienced no such difficulty.† To be your Lordship's Referee in such a case as this, could not fail to be a most unthankful office.—Your Lordship truly says, the Arbitration "would not necessarily alter the opinion of either party upon the question itself." True, my Lord; and this is a truth which any Arbitrator would be as well aware of before-hand as your Lordship is, and he would also not fail to anticipate, that if, after the decision

* See p. 33.

† "Louis the Fourteenth, playing at backgammon, had a doubtful throw; a dispute arose, and the surrounding courtiers all remained silent. The Count de Grammont happened to come in at the instant. 'Decide the matter,' said the King to him. 'Sire,' said the Count, 'your Majesty is in the wrong.' 'How!' replied the King, 'can you decide without knowing the question?' 'Because,' said the Count, 'had the matter been doubtful, all these gentlemen present would have given it for your Majesty.'"

of the Inquest, your Lordship's opinion on "the question itself" *happen* to remain unaltered, although the Referees had decided against you, your Lordship would conclude, that you had not had justice done you, and that as we were all of the same calling, so we were all of the same "kidney,"—"a' kuaves aleeke;" and that when any one gets into a scrape, the rest will make common cause with him, and stick at nothing to help him out.

It is one thing, therefore, to find a person "competent" to judge the "question itself," and another thing to find a "competent person" willing to undertake to be your Lordship's Referee, if he foresee a chance of having to pronounce against you.

Let any person who is "competent" to measure and map Chevening Park go over the Park with your Lordship's original, and still unaltered, Map in his hand, and he will see it was impossible correctly to lay down the alterations which have been made in the land, on a new Plan, without re-measuring the *whole* Park. Any "competent person," therefore, would know, from your Lordship's own shewing, that your Lordship must be Cast; but whom will your Lordship find "competent" to tell you so, and to pronounce against you, without giving you offence?

To whomsoever your Lordship might apply, he would know the proposed appeal to Arbitration was not in consequence of any doubt your Lordship entertained about which of us two was in the wrong, for on that point every one would conclude your Lordship was already satisfied enough. Every one would foreknow, that when the dispute had come to this extremity, your Lordship did not propose the inquest for your own information, but for my conviction; and that for the Arbitrators to find by their verdict, that your Lordship had accused me without cause, would be to find to your Lordship's disappointment, and that my vindication would be your Lordship's confusion.

For these reasons I had considered, that very probably Mr. Scott had declined the undertaking, and that the office of your Lordship's referee was vacant. I am not aware that the number of Land-measurers in this neighbourhood has lately been diminished. But your Lordship may set it down for certain, that if your Lordship's ideas

and practice of remuneration towards the Fraternity were to become universally the fashion amongst its Patrons, the number of its "competent" Members would presently be entirely extirpated.

Another of your Lordship's remarks is, that if I wished it, you were ready to enter into another discussion with me on the subject. Your Lordship alludes to the message which you sent to me by Mr. Fletcher, in July, 1827, in answer to my first letter to him, in which I intreated your Lordship to proceed in the proposed Arbitration, namely, "that you did not see why we could not settle the matter by ourselves." I then inquired of Mr. Fletcher if your Lordship still persisted in the opinions which you had expressed to me on the subject. Mr. Fletcher replied that your Lordship still insisted that there was no necessity whatever for remeasuring the *whole* Park. I told him I did not see, then, how we could settle the matter by ourselves, consistently with my credit. When your Lordship first apprized me of your objection to my bill, we did discuss the matter by ourselves, and then I gave your Lordship every explanation in my power; and which, as far as I knew, satisfied your Lordship; but as I did not hear from you again, and my bill remaining unpaid, after waiting three months, I wrote to your Lordship, and repeated my explanations, to which your Lordship replied, declaring your adherence to the opinions which you had intimated to me on the subject of my charges, and adding, that these opinions had been confirmed by my charges for some subsequent work which I had done for you; that my charges appeared to you to be unreasonable and exorbitant; that you had been informed by persons of much knowledge and experience on these subjects, that my charges were exorbitant; that there did not exist any necessity whatever to remeasure the whole Park; that you had many other observations to make on the charges contained in my bill, and that you thought, in justice to yourself and for my satisfaction, my bill ought to be referred to Arbitration.

After all this, after my answers, both verbal and written, had so utterly failed to alter your Lordship's opinions, and as I had nothing essential to add in my vindication, to hope that any farther discussion by ourselves could be of any avail, appeared to me utter folly.

If the proposed Arbitration had taken place, when your Lordship

had preferred your Accusations, and had stated your Case to the Referees, and it came to my turn to be heard, I should have answered as follows :

GENTLEMEN,

IT is now for me to reply to the accusations which you have heard against me. Earl Stanhope, some years ago, employed me to make some alterations in an old Map for him ; and a dispute, as you have heard, has since arisen between us as to the justice of my charges for the performance. In addressing you in my defence, I shall avail myself of a written statement. The novelty of my situation makes it expedient for me to adopt that course, that I may state what I have to say in my defence with greater perspicuity. The purpose of Arbitration being two-fold ; to satisfy as well as to silence ; to rectify the opinion of the wrong-doer, as well as to vindicate the conduct of the right ; I have two objects in view in my defence—I have to justify my conduct to the satisfaction of the Referees, and I wish to afford conviction to Earl Stanhope. In my endeavours, therefore, to compass both these objects, although what I have to offer in my defence is addressed to the referees, yet a considerable part of it is intended principally for the consideration of Earl Stanhope.

It was his Lordship's spontaneous suggestion that this difference between us should be referred to arbitration, and my satisfaction was assigned to be one of his Lordship's motives for making the proposal ; which, therefore, I take to imply, that I should not only have an equal voice with himself in the appointment of my judges, but also have as fair a hearing as himself at my trial, and also to imply his Lordship's willingness to give me every chance he can to repel his accusations, and to annihilate his suspicions ; in other words, to refute his opinions, if I am able, and to convert and bring his Lordship over to mine. I shall, therefore, consider myself at liberty to state, not only any facts which may appear to me to bear on the subject herein at issue, and necessary to my acquittal by the Referees, but also to avail myself of any arguments and illustrations which I may hope will conduce to my exculpation in the opinion of Earl Stanhope.

The reasons alleged by Earl Stanhope for refusing to pay me my bill, are, that I have exceeded my commission, by measuring a much greater quantity of land than the occasion required, and that I have charged an "*exorbitant*" price for my work.

Having failed in my endeavours to convince Earl Stanhope that these allegations are groundless, his Lordship suggested a reference to Arbitration, which suggestion has given occasion to this Meeting.

No price was stipulated for between Earl Stanhope and myself, and nothing passed between us on that subject, until after the work was completed.

But the first point for your consideration is the *extent* of the order which I received from Earl Stanhope; and as I understood my commission, in regard to the extent of remeasurement, was not a strictly limited order, but was rather a discretionary power, to proceed as the necessity of the case might require, I consider the following explanation a necessary preliminary to your investigation of the documents which I have to lay before you, to prove the necessity of such remeasurement.

I waited on Earl Stanhope in March, 1817, by his Lordship's desire, when his Lordship stated that he had sent for me for the purpose of revising a Map, which he shewed me, of his Kentish Estates. The Map was dated 1776. Many alterations having taken place in these Estates since that date, his Lordship expressed his wish for me to erase from the Map all such lands as had been parted from, and to insert all such lands as had been added to the Estates; and to alter and correct the Map in all other respects, so as to make it correspond to the state of his Lordship's Property at that time, namely, 1817, excepting only such parts of the Manorial boundaries described in the said Map, which included lands belonging to other persons.

Earl Stanhope produced also at the same time a Map of Turvin's farm, and likewise a Map of part of the Ovenden Estate; both which Estates had been purchased by his Lordship's Ancestors, since the date of the above-mentioned Survey of 1776; and these last-mentioned Maps being drawn upon a larger scale than the said general Map of 1776, his Lordship required me to reduce and copy them on a uniform scale into the said general Map. And all such lands as

had been added to these Estates since the date of the said general Map, 1776, and of which additional lands his lordship had no Map, he required me to measure, and also to insert into the said general Map.

From the knowledge which I already had of the Estates in question, I perceived, on a slight view of these Maps, that the alterations which had been made in these Lands, both external and internal, were very numerous, and I immediately stated my opinion to Earl Stanhope that probably the *whole* of Chevening Park, and almost the *whole* of Turvin's farm, would require to be remeasured. His Lordship, however, expressed himself of a different opinion; he thought it would not be requisite to remeasure the whole of the Park, nor so great a part of Turvin's farm as I considered requisite; but after some discussion on the subject, Earl Stanhope delivered the old Maps to me, and, as I *understood*, upon a *trust*, that I would make the alterations in the shortest way I could, so as to answer his Lordship's wishes.

About a month after this interview, and *prior* to the commencement of the remeasuring of the land, Earl Stanhope sent for me again to inform me, that in consequence of the ill-health of his steward, (who had been taken dangerously ill in the interim,) his Lordship wished to have the alterations of his Map completed as early as possible. Previous to this second interview I had more minutely inspected the Maps, and I now stated to Earl Stanhope that I could not make the alterations in question without measuring the *whole* of the Park, and *almost the whole* of Turvin's farm. But his Lordship still adhering to his former opinions, both these points were again discussed, and the result was, that under the assurance, on my part, that nothing should be done unnecessarily, Earl Stanhope assented to my undertaking to make the alterations in question; and as his Lordship repeatedly expressed his desire to have the alterations *accurately* made, I certainly had the strongest impression on my mind that his Lordship conceded to me a *discretionary* power, leaving the extent of remeasurement to my own conviction of its necessity for the corrections which his Lordship required.

Earl Stanhope being then urgent to have the work completed as early as possible, I made a proposition to apply to Mr. Brown, of

Maidstone, to assist me in the measuring, to which proposal his Lordship acceded, and when Mr. Brown came we both waited on Earl Stanhope together, and I then apprized his Lordship that Mr. Brown was come to measure the Park, and his Lordship, at my request, appointed a person to attend him to shew him the boundaries of the Park. (Mr. Brown is here present to afford any explanation which you may require relative to the part in which he was engaged on this occasion.) I was certainly under the firmest belief that Earl Stanhope clearly understood Mr. Brown was going to measure the *whole* Park, and it has occasioned to me great surprise to find that his Lordship was under a different impression. I know, however, that Earl Stanhope's fullest consent to such remeasurement could not lessen my responsibility to prove its necessity, because, according to my own statement, his Lordship's assent could be, at most, only a deference to my judgment; and I freely admit, that if an acre of land has been remeasured unnecessarily, the fault rests with me alone. But it is a justice no less due to myself, to obviate all inference that I would run an Employer into any expense, which, how much soever I might deem it to be to his ultimate interest, I was at the same time conscious might not be in his contemplation.

I consider myself bound to shew that I have not only done the best for his Lordship's service, but that I have, in every respect, fulfilled my duty both faithfully and ingenuously.

When the rough Plan of the Park was completed from the new measurement, it was laid before Earl Stanhope for his inspection, and received his approval previously to its being copied into his Lordship's old Map. His Lordship then expressed his desire to have this new Plan also, after it had been copied into the old Map. Mr. Brown, by my direction, made a copy of it for his Lordship; and about a twelvemonth afterwards I made another copy of it also for his Lordship by his own order. Earl Stanhope then could not but know that an *entirely new Plan* of the Park had been made previously to the making the alterations in the old Map.

Earl Stanhope, however, does not complain of a *redundant performance*, but of a *needless process*. Yet, how his Lordship can imagine such new Plan could be made with any tolerable correct-

ness, and the *quantities* which had been varied by the alterations in the Park be ascertained at all, *without taking the dimensions* of the Park ! I am totally at a loss to guess.

By the documents which I have to produce, I shall shew you that since the original Map was made, upwards of sixty acres of newly-purchased land have been added to and intermixed with the Park ; and the former boundaries of both, on that side of the Park, obliterated ; more than forty acres of which subsequently-added land, there was, as far as I know, no Map or admeasurement of whatever ; and also, that since the date of that Survey, namely, 1776, almost the whole of the interior of the Park has been totally altered.

A short time after the altered Map had been sent home, I had the pleasure of being told by Earl Stanhope, that *the alterations were made to his satisfaction*, and it was not until nearly a year after his Lordship had received my bill that I had any intimation of the contrary.

The remeasurement was begun in April 1817 ; the Map was returned to Earl Stanhope in July following ; his Lordship soon afterwards ordered my bill, which was delivered accordingly : from which time I heard nothing further on the subject until September in the following year, when I waited on Earl Stanhope upon some Parish business, on which his Lordship wished to see me ; and then his Lordship, adverting to my bill for Surveying, said, it had not been paid because my charge was so high, and that there was no necessity for remeasuring the *whole* of the Park. Now, after Earl Stanhope having approved of the new Plan of the Park ; after having had an additional copy of it made by his own order, and also at the very time of his making this objection, requiring me to make another copy ; after his Lordship having observed the great additions to the Park, the alterations in the different parts of its boundaries, and the almost total change in the interior ;—that, after all this, Earl Stanhope should again revert to his old objection against the necessity of remeasurement, appeared to me very extraordinary :—that, after having kept my bill so long unnoticed, and then turning round upon me with his old objection revived, and a new one as undeservedly raised, his Lordship's conduct did appear to me, to say the least of it, very ungracious and very inconsistent.

A short time after Earl Stanhope had apprized me of his dissatis-

faction with my charges, it so happened that two incidents occurred which occasioned his Lordship to have some other parts of this Estate to be remeasured, the result of which remeasurement proving the old Map to be grossly erroneous in both instances, I did expect, could not fail to set completely at rest the point at issue in regard to the necessity of the remeasuring of the Park. The instances here alluded to were as follows:—The underwood of two pieces of Coppice,* part of this Estate, having been sold on the stub by the acre, a doubt arose whether the quantities of those pieces, according to Earl Stanhope's Map, were correct; his Lordship having also an account of the Contents of those same pieces according to a measurement which I made of them for the late Earl Stanhope in the year 1793; and there being a difference between my admeasurement and that of his Lordship's old Map of more than Two acres, in less than Forty acres of land, Earl Stanhope employed Mr. Scott, a Land Surveyor in Surrey, to measure these Woods, to ascertain where the error lay, and the error proved to be in his *Lordship's Map*.

This doubt was no sooner cleared up, than another of the same kind arose. Earl Stanhope made an exchange of two pieces of Land† with a neighbouring Gentleman, who employed me to measure the same for the purpose of inserting them in the Map of his adjoining Estate. The quantity of the two pieces, according to Earl Stanhope's Map, was 10 acres, 2 roods, 30 perches, but which I found upon measuring the land to contain only 8 acres, 2 roods, 17 perches, so that there was a deficiency of Two acres and 13 perches, in less than Eleven acres of land, according to Earl Stanhope's Map.

Earl Stanhope again employed Mr. Scott to discover where the error lay, and it was again found to be in his *Lordship's Map*.

Earl Stanhope then had ample proofs that no dependence could be placed in the *measurements* contained in his Map, and by consequence collateral proofs of the necessity for the remeasurement of the *whole* Park, in order to ascertain the quantities that had been varied by the alterations which had taken place in the interior, even if the

* Bushy Wood and Tye-end Wood in Cudham.—Bushy Wood has been considerably enlarged at the West end, and on the South, since the date of my measuring it, in 1793.

† Part of Chipsted Moat-Farm.

original boundary of the Park had not been altered since that Map was made.

These incidents happening so opportunely, induced a hope that they might lead to an amicable adjustment of this dispute without further difficulty.

In this hope, however, I was disappointed.

I have now to return to the subject of my interview with Earl Stanhope, that I may resume the thread of my narrative.

When Earl Stanhope made objections to my bill, the Explanations which I gave, I trusted had afforded his Lordship conviction; but after waiting about three months, and not hearing from his Lordship, I wrote to him on the subject as follows :

MY LORD,

Dec. 7, 1818.

When I had the honour of waiting on your Lordship some time since, your Lordship expressed yourself dissatisfied with my bill for Surveying. I then endeavoured to evince the justice of my charges by rendering every Explanation in my power.

But conceiving my efforts have proved unsuccessful, I am induced to solicit the favour of your Lordship's attention to a review of the circumstances. Your Lordship's objections were, that an unnecessary quantity of Land was remeasured, and that much too great a price was charged for the remeasuring. In answer to the first objection, I can only repeat, that a comparison of the old Maps which are still unaltered, with the altered Map, will fully evince that no more lands have been remeasured than the subsequent alterations, both internal and external, which had taken place, had rendered absolutely requisite in order to make the general Map correspond with the present state of those Lands. I must also beg leave to recall to your Lordship's recollection, that before the measuring was commenced, it was repeatedly explained to you that the lands which had been altered would require measuring, to make the Map correspond to them. And some time after the altered Map had been returned to your Lordship, your Lordship condescended to signify that the performance *was much to your satisfaction*. Why your Lordship has since changed your opinion, I have no conjecture. The work con-

tained no hidden deception, which can have been since discovered. The slightest comparison of the lands remeasured, with the unaltered Maps, will prove the totally altered state of those Lands. And that neither the alterations in the quantities could be ascertained, nor the changes in the boundaries be delineated with any tolerable accuracy, without remeasurement, I should have apprehended would, to your Lordship, have been perfectly obvious.

With regard to my charges for measuring, it is certainly a matter of regret that [that] point was not discussed prior to the commencement of the Survey, as it would have obviated all the unpleasantness which has since transpired. I cannot, however, accuse myself of blame in not having anticipated that your Lordship would object to pay even a lower price than I have received during the last twenty years of the neighbouring gentlemen. The late and the present Lord Amherst, Mr. Polhill, Mr. Austen, Mr. Nouaille, &c., have paid me *Eighteen pence per acre* for the principal Estates which I have measured and mapped for them. A lower price is charged to your Lordship, not because less labour was bestowed on your Lordship's Survey, but because there was less to shew for the labour. No exertion was spared to obtain correctness in the quantity, and the fitting and drawing the plan into the old Map required more time than would have been requisite to draw an entirely new Map of the Lands remeasured, and upon the large scale by which the work was originally planned.

My charge, therefore, to your Lordship, has not exceeded my customary price, and, as far as I am acquainted with the Subject, it could not have been afforded at a lower price, but at the expense of accuracy. The other items in my bill are charged at a lower price, I believe, than any other Surveyor would have charged. They required less of my time in consequence of my local knowledge [of these Estates], and they certainly employed a much greater portion of my time than the bill expresses.

I have now, my Lord, only to express my concern at the manner in which your Lordship's dissatisfaction was intimated: your Lordship's declaration that the payment had been withheld on account of the undue charge, could not fail to occasion deep regret.

I shall only observe, that the imputation it contained was totally unmerited, and that its misapplication is no less unjust, than the conduct imputed is disgraceful.

I am, my Lord,

Faithfully,

Your Lordship's obedient servant,

ABRAHAM BARHAM.

I felt so assured that the explanations contained in this letter could not fail to convince Earl Stanhope of the justice of my claims, that nothing was farther from my expectation than that his Lordship would give me any farther trouble to get my money : but instead of receiving a remittance of the amount of my bill, which I had been in daily expectation of, I received, after a few weeks' delay, a reply from the pen of Mr. Fletcher, Earl Stanhope's Steward, of which reply the following is a copy :

SIR,

Chevening, Dec. 31, 1818.

I am desired by Earl Stanhope to return the following answer to the Letter which he received from you on the subject of your charges for altering the Map of this Estate. The approbation which his Lordship expressed as to the neat manner in which these alterations had been made in the Map did not, and could not, imply that he also approved of your charges for those alterations, of which he had not received your Account when you delivered the Map to him, and your supposition that he has "since changed" his opinion as to the merits of the Map is unfounded and absurd.* Earl Stanhope adheres to the opinions which he intimated to you on the subject of your charges, and those opinions have been confirmed by finding that you charge *four guineas* for copying a "rough" Map of the Park, whereas he paid lately *three guineas and a half only* for a very handsome Map, coloured and ornamented on vellum, and on rollers, of an Estate containing a much larger quantity of Ground than the Park, which Map was copied at a reduced scale by a *London Surveyor*, whom Earl Stanhope employed for the purpose. He con-

* "The Rich answereth roughly."

SOLOMON, Prov. xviii. 23.

siders also your charge of one guinea for making a Map of the Garden, at the Garden-house, to be very unreasonable. He is informed, by persons of much knowledge and experience on these subjects, that the charges contained in your Bill are exorbitant, and that Estates have been accurately and neatly mapped for *sixpence* per acre. As to the charges which you state to have been paid by some Gentlemen in this neighbourhood, that circumstance does not alter Earl Stanhope's opinion upon the point, and need not regulate his conduct. Earl Stanhope informed you before you commenced the alterations, that as the Estate had already been measured and mapped, with the exception of such parts as had been subsequently added, such as Turvins and Ovenden, it was only requisite to mark such alterations as had been made in the boundaries, and to measure the quantities which had been varied by such alterations. *Oveny-Green Farm, which you state to be not before in the Map, is in a Map made by the late Mr. Woodward, at the same time as the other. It will appear by an inspection of the original Map, which is on a larger scale than that which you altered, and which Earl Stanhope has shewn to me, that there did not exist any necessity whatever to remeasure the whole Park. Earl Stanhope has not delayed the payment of your Bill on account of the "magnitude of the Charge," as you suppose, but on account of the charges appearing to him unreasonable and exorbitant. He has many other observations to make on the charges contained in your Bill; and he thinks that, in justice to himself, and for your satisfaction, your Bill ought to be referred to arbitration.

I am, Sir,

Your obedient servant,

To Mr. Abraham Barham.

JOSEPH FLETCHER.

When the tyranny of Charles the First had driven his subjects to revolt against him, and had transferred the sovereignty of England

* "Oveny-Green Farm." I have not stated a word about Oveny-Green Farm not being before in the Map. It is Ovenden Estate, purchased by your Lordship's Grandfather, since the year 1776, which I have stated not to be in the Map made by the late Mr. Woodward.

from his Majesty to Oliver Cromwell, a celebrated Political Writer, who had composed a Treatise of a proposed Commonwealth, inscribed it to the Protector, to induce his Highness to relinquish the exercise of absolute power, and to substitute a popular form of government in its stead; Cromwell, after he had perused the Work, is reported to have said, "that the Gentleman had like to trapan him out of his power, but that what he got by the sword, he would not quit for a little paper-shot."* It was my fate also to experience the inefficiency of a *little* paper-shot.

However sanguine my expectations had been, this rebuff completely dispelled the illusion. I now found I had only to choose whether I would accede to Earl Stanhope's proposal of a reference to Arbitration, or endeavour to enforce the payment of my Bill by an appeal to the Law, or else to try and make my peace with his Lordship, by offering to accept for my Work whatever he might please to give me. Neither my cause nor my circumstances required me to stoop to the latter course; and as for taking any compulsory measures to obtain the payment, the disparity of the parties alone put all such considerations quite out of the question. It only remained, therefore, for me to accede to Earl Stanhope's proposal of a reference to Arbitration. This proposal was made in December 1818; but some occurrences intervened which delayed my signifying my assent to his Lordship's proposal until the following August, when I wrote to Mr. Fletcher, Earl Stanhope's Steward, as follows:

SIR,

August 16, 1819.

As Earl Stanhope employed your pen in replying to my letter to him, I infer it to be his Lordship's pleasure that any farther communications I might have to make to him should be addressed to you. I have therefore to request you will have the goodness to communicate to Earl Stanhope the contents of this note. The delay which has occurred in my replying to his Lordship's proposal of referring my Bill to Arbitration has been unavoidable, and I beg to apologize to his Lordship for it. I have now to state, that if Earl

* Harrington's Life, by Toland, page xvii. 4to, 1771.

Stanhope will appoint some Surveyor of respectability to investigate the business, I will appoint another Surveyor to meet him.

I am, Sir,

Your obedient servant,

ABRAHAM BARHAM.

In a few days after the date of this note Mr. Fletcher informed me that Earl Stanhope intended to appoint Mr. Scott to be the Referee on his Lordship's part. I inquired if Mr. Scott had accepted the Appointment. Mr. Fletcher replied that Mr. Scott had not yet been apprized of his Lordship's intention; but that when Mr. Scott had, I should be informed of his answer. From that time the affair rested about four months, when Mr. Fletcher informed me that Mr. Scott would undertake the business. As this occurred in the winter, and when there was a deep snow on the ground, it was concluded between Mr. Fletcher and myself it would be advisable to defer the appointment of a meeting for the Arbitration until a more favourable season. In this state the affair remained from the winter 1819, until July 1827, a period of more than seven years; the delay therefore from 1819 to 1827 must be placed solely to my account. And here this question naturally arises,—if my claim is well-founded, if my conduct is perfectly irreproachable, why did I not take the earliest opportunity to avail myself of Earl Stanhope's proposal, and make no delay to meet this inquiry?

No person can sit down content with his just claims denied, and his character defamed.

"That steward whose accounts are clear,
Demands his honour may appear;
His actions scorn to shun the light,
He is—and would be proved upright."

GAY.

The first precept in the first table of the Roman law is this,—“If any one calls you before the Judge, go immediately.”*

To shrink from Inquiry is taken for a confession of the charge.

* History of Rome in the Encyclopædia Londinensis, Vol. XXII, p. 228.

When the Accused is backward to defend his character, it is taken for certain that his conduct is indefensible. If he is charged with a breach of honesty in his dealings; if the answer which he gives affords not satisfaction; if he is challenged to vindicate his conduct before Arbiters, whom he shall not only have an equal voice with his Accuser in the appointment of, but who shall be also of his own Fraternity, and who may therefore be supposed to have a wish to find him guiltless;* and yet if he appears reluctant to meet the charge, it is natural to infer that there must be a something in his conduct which he is aware will not bear the light. But moreover, "*Not to defend is to relinquish.*" Neglect of Claim may forfeit a Right. My Claim has been reposing for so long a period, that Earl Stanhope is, perhaps, *legally* entitled to plead the Statute of Limitations in bar of payment. My claim has lain so long dormant, that I must acknowledge, had I been in Earl Stanhope's place, and his Lordship in mine, I should have expected to hear no more of the matter, at least not on this side of doomsday.

Under Earl Stanhope's view of the question, his Lordship may have concluded that my claim had been prudently relinquished, through fear of further exposure. That my backwardness to meet this Inquiry has been generally so construed, I must naturally expect.

Whosoever is accused of an act of dishonesty, and adopts the *Fabian* plan of defence, subjects himself to the imputation of conscious guilt, or a dastardly spirit. This investigation, however, I trust will shew that to neither of these causes ought the delay on the present occasion to be ascribed. And in regard to the debt becoming legally antiquated by a lapse of claim, even in that case I could be under no apprehension that such circumstance would be regarded by Earl Stanhope of any account on any such occasion as this which is the subject of the present inquiry.

It may be right that a title to an *inheritance*, or a claim to a *debt*, should be *legally* extinguished within some definite period, because

* "A Judgment in his favour ends,
When all the Panel are his friends."

where the subject of legislation offers but a choice of evils, the justest course that can be pursued is that by which, upon the *whole*, the *least* injustice will follow.* But in the Subject for your inquiry, the transaction being yet of too recent occurrence for Earl Stanhope to take the benefit of the Statute of Limitations, without violating a

* "A tradesman," says Dr. Beattie, "may by prescription lose his claim against his debtor; that is, as the law stands at present, if he does not present his bill for payment within five or six years after it falls due. This is reasonable. It imposes no hardship on the creditor to oblige him to present his bill; and it prevents claims from being brought against the debtor of so old a date as that he can hardly know whether they be just or unjust."—BEATTIE, *Elem. Mor. Science*, Part III. Chap. i. Sect. 692.

"In order," says Dr. Paley, "to protect men against antiquated demands, from which it is not probable they should have preserved the evidence of their discharge, the law prescribes a limited time to certain species of private securities, beyond which it will not enforce them, or lend its assistance to the recovery of a debt. If a man be ignorant or dubious of the justice of the demand made upon him, *he may conscientiously plead this limitation*, because *he applies the rule of law to the purpose for which it was intended*; but when he refuses to pay a debt, of the reality of which he is conscious, *he cannot*, as before, plead the intention of the statute.

PALEY'S *Moral Philosophy*, Book III. Part I. Chap. iv.

Bishop Wilson, in his Sermon on Fraud, in speaking of Right derived from Prescription, observes, "Not that length of time *can* give any man a *right* which he knows he had not from the beginning, but because there would be no end of law-suits if people were to be disturbed for ever. The law, therefore, does what is best for the public in general, and leaves it to *private men* to act as they will answer to *God and a good conscience*."

SERMON XXIV. p. 92, in the Selection. Edition, 1817, Rivington.

Any Claim, indeed, founded on some Custom which originated in usurpation, may be fairly lost by neglect and disuse: an IMPOSITION which can be no longer *legally* enforced, may be *honestly* resisted: for instance, an *antiquated* claim for a Heriot, a degrading imposition, which originated in despotism. In such case the oppressed may honestly slip from the yoke whenever an opportunity offers, whether Forbearance has intentionally relaxed the shackle, or Inadvertence has neglected to keep fast the bolts.

"The moment they find a hole, out they hop.—And what harm!"

EPICETUS. *Mrs. Carter's Translation*, 4to. p. 342.

law of paramount authority, I rested satisfied that his Lordship would not consider my claim obsolete, according to the *intention* of the Statute, although it should chance to fall a little within the *letter* of it. But whatever occurrences may have interposed to cause the delay in this Inquiry, nothing can have transpired in the interim to affect the merits of the question at issue.

However Justice may be regulated by Statute, Truth cannot be changed by Time. Truth in 1817 is neither more nor less Truth in 1827.* In a moral view, that which was upright *then*, will bear the test of the plumb-line *now*.†

All the documents and evidence being, as far as I know, precisely the same, I am not aware that the delay of this Inquiry can have caused any detriment to Earl Stanhope, either to his cause or his pocket. I have no facts to allege in my favour *now*, which would not have told equally well for me *then*; nor can I avail myself of any argument which, if it had been at hand, would not have done my cause as good service *then* as *now*.

In this Inquiry it must be obvious I have two Interests at stake: I want to get paid for my Work, and to clear my Character. But however confident I may be that the evidence which will be submitted to you will convince you of the justice of my cause, yet I cannot but know that should Earl Stanhope not be satisfied of the justice of your decision, your Award in my favour will stand me in

* This was written in 1827, expecting the proposed Arbitration would have taken place soon after the date of my note to Mr. Fletcher of the 10th July 1827, as above copied (see page 4) in my letter to Earl Stanhope of the 28th May 1829.

† "For the Truth of things Time maketh no alteration. Things are still the same they are, let Time be past, present, or to come. Were they false, Time cannot make them true; were they true, Time cannot make them more true. The circumstance therefore of Time, in respect of Truth and Error, is merely impertinent."

Works of Mr. John Hales, Vol. III. p. 163. Edited by Sir David Dalrymple (Lord Hailes), Glasgow 1765.

"Truth is an immortal and eternal thing. It bestows not a Beauty which Time will wither, nor a Boldness of which the Sentence of a Judge can deprive us." EPICTETUS. *Mrs. Carter's Translation*, 4to, p. 498.

little stead in regard to the clearing of my Character, wherever his Lordship's opinion of my honesty has any influence on the opinion of other persons.

The great disparity in our stations will naturally incline some persons to side with his Lordship; for who will imagine that Earl Stanhope would have made such complaints without cause? It will naturally be concluded, that if there had been any doubt on the point, that doubt would have immediately determined the matter in my favour, and that his Lordship would have paid my Bill out of hand, rather than hazard the possibility of injuring my Character wrongfully: or who will believe that Earl Stanhope would have proposed this Inquiry without indubitable proofs of the offences alleged, and the moral certainty of conviction? It will naturally be concluded that all doubt as to the justice of his cause must have been out of the question, or Earl Stanhope would not have offered to submit his accusations to the test of professional Judgment.

Earl Stanhope's proposal to settle this Dispute by Arbitration cannot fail to create a prepossession in his Lordship's favour. To hinder the influence of Wealth, Rank, and Birth from bilking Justice, his Lordship voluntarily waves, as far as his Lordship can wave, the advantages of his exalted Station, to prefer his complaint in the character of a fellow-citizen, to appeal to Arbiters, who are not only my peers in station, but who are also of my own fraternity, who will be supposed to have a secret bias in my favour, both from a fellow-feeling, and from a kindred interest in my acquittal. Are we strangers to each other, it will be supposed that you can perform without Notes, and that we can play in concert without previous acquaintance. In every Craft and Mystery it is always supposed that the Initiated can interchange sentiments by sympathetic communion, as strings tuned in unison vibrate to each other's touch.

Cases may indeed happen in which the advantages are on the contrary side, in which the Arbiters may have paramount inducements to side with the Accuser; for Interests may clash, and feelings run counter; obligations of gratitude, allurements of patronage, inimical feelings towards the Accused, are powerful perverters of Judgment: and let no one hope to find in a Competitor an upright

judge; but bating such importunate private considerations on the contrary side, persons are always supposed to have a predilection for their own fraternity; and this is assumed without impugning their motives, because it is well known that persons whose fixed purpose it is to do no wilful act of injustice to any one, are liable to err in their judgment from an involuntary and unconscious partiality towards their own side, when they stand in the two-fold capacity of Judges and Party in the same cause. Without, therefore, the supposition of any pre-concert between us, or in any way impeaching your integrity, your decision in my favour may be liable to attain. I cannot but know it will leave the same imputation on my character, whether your supposed partiality be attributed to aberration from principle, or to an involuntary and unconscious bias of judgment from feelings of professional sympathy. The defence of my character, therefore, requires not only that your decision be in my favour, and that Earl Stanhope acquiesce in your decision, but also that his Lordship approve of your Sentence, although it be given against himself. In this view of the question, therefore, notwithstanding my main purpose must be to justify my conduct to the Referees, yet, I might afterwards have to reflect on myself, were I to spare any effort of my own which might conduce to my acquittal in the opinion of Earl Stanhope. In pursuance of this plan I shall begin with the following passage in Earl Stanhope's reply to my letter:—"Earl Stanhope adheres to the opinions which he intimated to you on the subject of your charges, and those opinions have been confirmed by finding that you charge *four guineas* for copying a rough Map of the Park, whereas he paid lately *three guineas and a half only* for a very handsome Map, coloured and ornamented on vellum and on rollers, of an Estate containing a much larger quantity of Ground than the Park, which Map was copied at a reduced scale by a *London Surveyor*, whom Earl Stanhope employed for the purpose. He considers also your charge of a guinea for making a Map of the Garden, at the Garden-house, to be very unreasonable."

With respect to this latter article of complaint I must here observe, I had to go and take the dimensions of the Garden in ques-

tion, then to make a rough draft of it, and afterwards a fair copy, which together took me a full day, I may say more, and for which I charged a guinea, which is no more than was common for Surveyors to charge per day, ever since I have been acquainted with Surveying, and long before, for any thing that I know to the contrary. If Earl Stanhope thinks a guinea for *this* a very unreasonable charge, I cannot but wonder what charge his Lordship would think reasonable. Whatever charge you consider right, it will be for you to award, and for me to acquiesce in your decision. And with regard to Earl Stanhope's having had a Map of a larger quantity of land than Chevening Park copied at a lower price than I have charged for copying the Map of the Park, it will be for you to set such a price on my copy as you consider I am entitled to receive for it, whether the Surveyor whom Earl Stanhope employed to copy a larger Map was sufficiently paid or under-paid for his.

But this is not all. Earl Stanhope states also in his reply, that he has many other observations to make on the charges contained in my Bill, and moreover as follows:—"Earl Stanhope has not delayed the payment of your Bill on account of the 'magnitude of the charge,' as you suppose, but on account of the charges appearing to him unreasonable and exorbitant." The passage in my Letter which his Lordship here alludes to is this: "Your Lordship's declaration that the payment had been withheld on account of the magnitude of the charge, could not fail to occasion deep regret." Instead of saying on account of the magnitude of the charge, I should have said on account of the charge being so high, which I believe were his Lordship's words, and for which I inadvertently substituted "magnitude of the charge;" and it seems by Earl Stanhope's reply, that this want of precision caused his Lordship to misapprehend my meaning, and to misconstrue the term "*magnitude*," as though I had intended to apply it to the *amount* of my Bill, instead of the *rate* of charge for the work; a sense by no means intended, and quite contrary to the context and tenor of my Letter. I certainly did not intend to say, nor did I ever suppose, that Earl Stanhope told me the payment of my Bill had been delayed because it had not been long enough delivered for his Lordship to provide himself

with a sum of that "magnitude;" and I as little thought the word which I used was liable to be misconstrued into any disrespectful meaning.

The consequence of this inadvertence has, however, been a caution to me to spare no pains to guard against a similar mischance on the present occasion. But although I have here done my best endeavour to make myself understood, yet, after all my care, I can hardly hope that I have been so lucky as not to admit any word into this Address which might not be construed into a different meaning from that which I intended, and which, if construed amiss, his Lordship might perhaps take umbrage at. The proverb says, "A man can only plough with such a *team* as he hath;" so it is equally true, one can revise only with such a *pen* as he hath; and here the exigency of my case naturally suggests another common proverb, "The Stander-by sees more than the Gamester." In writing an Address for such an occasion as this, it is of all things most desirable to have the judgment of an indifferent person upon it, before it is submitted to those for whom it is intended; but I have debarred myself from such benefit through the following circumstance:—Happening to know an instance in which two Persons in different lines of Calling, whose names may, for distinction, be called A. and W., were employed, each in his respective Calling, by a certain Nobleman, A. being the first person that was engaged by the Nobleman, he had taken an opportunity to recommend his acquaintance W. to his Lordship, to whom W. was before unknown—in consequence of which recommendation W. was set to work by his Lordship. But a little while had passed before his Lordship took offence against A. and instantly discharged them both, although the work which W. had undertaken was unfinished. His Lordship not giving any reason why he discharged W., W. therefore imputed his being discharged solely to his being the acquaintance of A., against whom his Lordship had taken offence. My knowledge of this incident decided my course on this occasion. It struck me that to advise with any one upon what I had to offer in my Defence might implicate him in my Cause, if the circumstance came to be known. It is not in the nature of things, but that frequently the resentment of the *offended* will

reach to the *unoffending*. But rather than this should happen, and to prevent this evil, as much as it can be prevented, every one is bound to make some considerable sacrifice in his own case; I therefore determined not to consult any one, that no one might be herein implicated. No one is apprized of one iota of the contents of this Address, saving and excepting what I have told to my Wife; but some communication *there* must be supposed, as a matter of course. But, be this as it may, a Man and his Wife are one, and therefore his Wife must be implicated. To proceed. I repeat, not one sentence of this Address has been communicated to any one else previous to this Meeting; and I state this fact, in the hope that if any word herein chance to be taken amiss, no blame may be imputed by his Lordship to any one but myself, since no one living beside has had any share in committing such offence.

I have one more observation to make in this place. Whatever misunderstanding may chance to arise from a want of precision of language herein, in respect to matters of *minor* importance, I hope I shall be clearly understood in this *point*, that, however freely I may have occasion to express my opinion of Earl Stanhope's conduct, in order to defend my own, I disclaim all intention to impugn his Lordship's motives. I never have been dissatisfied with his Lordship's motives. I set it down for a certainty that all was correct there. All I have to except against is, the opinion Earl Stanhope has expressed of my conduct, and the unprovoked hostility of his own. I never imagined that Earl Stanhope would commit wilful inconsistency and conscious injustice. That Earl Stanhope's conduct is, in his own opinion, perfectly just; that, in refusing to pay my Bill, his Lordship believes he is acting purely on the defensive, is not to be questioned.

Moralists teach, that "Every one that acts wrong has missed his aim, and has gone out of his way;" * that "he who errs, doth not mean to err, but to be in the right."† "When any man does you

* The Rev. R. Graves's *M. Antoninus's Meditations*, Book ix. Sect. xlii.

† "Every Error in Life implies a Contradiction: for since he who errs, doth not mean to err, but to be in the Right, it is evident that he acts con-

an injury, or reflects upon your good name," (says Epictetus,) "consider with yourself that he does this out of a persuasion that it is no more than what you deserve, and what becomes him to say or do; and that it cannot be expected that *your* opinion of things, but his *own*, should give law to his behaviour."*

"If any one has used you ill upon any occasion," (says Marcus Aurelius,) "consider immediately with what ideas of right and wrong he has probably acted thus:" "when you have discovered *that*, you will"—"neither wonder at his conduct, nor resent it."†

Again, "When any one assents to what is false," (says Epictetus,) "be assured that he doth not wilfully assent to it as false"—"but what is false appears to him to be true."‡—"Shew your

trary to his Meaning."—"Now every rational Soul is naturally averse to Self-contradiction: but so long as any one is ignorant that it is a Contradiction, nothing restrains him from acting contradictorily: but whenever he discovers it, he must as necessarily renounce and avoid it, as any one must dissent from a Falsehood, whenever he perceives it to be a Falsehood: *but, while this doth not appear*, he assents to it, as to a Truth."—Mrs. Carter's Epictetus, Chap. xxvi. Sect. i., 4to. p. 220.

* Epictetus's Morals, by Dr. Stanhope, Chap. lxiv.

† Meditations, Book vii. Sect. xxiv.

‡ Book i. Chap. xxviii. Sect. ii., 4to. p. 93.

"Plato seems to have been of opinion that just sentiments and reasonable judgments concerning what was fit to be done or to be avoided, were alone sufficient to constitute the most perfect virtue.—Virtue, according to Plato, might be considered as a species of science, and no man, he thought, could see clearly and demonstratively what was right and what was wrong, and not act accordingly."

DR. ADAM SMITH, *Theo. Mor. Sent.* Part vi. § ii.

And the Author of "*The Laws of Ecclesiastical Polity*," (after Simplicius in his *Comment* on the xxiv. Chap. of *Epictetus's* Manual,) observes as follows:—"Evil as evil cannot be desired; if that be desired which is evil, the cause is the goodness which is, or seemeth to be, joined with it."

HOOKE, *Ecc. Pol.* B. i. § vii.

And again, "The truth is, that the mind of man desireth evermore to

Antagonist the truth," (says he,) "and you will see that he will follow."*—"Shew him his error," (says Marcus Aurelius,) "admonish him; if he listens to your advice, you will cure him of his fault."†

According to this doctrine, wherever Truth has fair play, Truth *must* produce conviction.‡ Here, however, arises an important consideration. To afford conviction does not necessarily imply to give satisfaction also: but the purpose of my Defence is to compass both these objects; and though to convince must be the primary consideration, to give Earl Stanhope satisfaction I expect to find will prove the more difficult affair.

To argue in support of our own opinion, in contradiction to the opinion of another, is to profess to be better informed on the subject in dispute than our Opponent is. It is to assume to be his *superior* in that particular, and to argue the point with him is to undertake to teach him. But is it for the Inferior to undertake to teach the Superior? Is it for the Unlearned to pretend to school the Learned? Truth, indeed, it must be acknowledged, is Truth, come from whatsoever quarter it may; § but that Truth, when it comes from *such*

know the truth according to the most infallible certainty which the nature of things can yield. The greatest assurance generally with all men, is, that which we have by plain aspect and intuitive beholding. Where we cannot attain unto this, there what appeareth to be true by strong and invincible demonstration, such as wherein it is not by any way possible to be deceived, thereunto the mind doth necessarily assent, neither is it in the *choice* thereof to do otherwise. And in case these both do fail, then which way greatest probability leadeth, thither the mind doth *evermore* incline."—HOOKER'S *Ecc. Pol.* B. ii. § vii.; and see also "*The Morals of Epictetus*, by Dr. Stanhope."

* Book ii. Chap. xii. Sect. vii. p. 150.

† Meditations, Book v. Sect. xxvi.

‡ "To the position of Tully, that if Virtue could be seen, she must be loved, may be added, that if Truth could be heard, she must be obeyed."

Dr. JOHNSON.

§ "Truth is Truth, whosoever has spoken it." Dr. WHICHCOTE'S *Second Letter to Dr. Tuckney*, p. 57.

a quarter, will give *Satisfaction*, is by no means so certain. Whether to convince Earl Stanhope that I have given him no cause for complaint, and to prove that he has accused me wrongfully, will give his Lordship *Satisfaction*, I have all along had my doubts. Earl Stanhope accuses me of doing work for him which he had not ordered, and of charging him an exorbitant price for doing *that* which was both unauthorized and needless. To plead not guilty to these charges is to pay but an ill compliment to his Lordship's judgment; and to prove that his Lordship has accused me wrongfully, may be taken for a reflection on his justice. "The Great hath done wrong, and yet he threateneth withal; the Small is wronged, and he must entreat also." (Ecc. xiii. 3.) If, therefore, I should adduce such invincible arguments in my Defence as must convince Earl Stanhope that his allegations are groundless, and his suspicions imaginary, although I should contrive to vindicate his motives without dissimulation, and to palliate his conduct without belying my conscience, yet to read his Lordship a Lesson on Commutative Justice, of which his Lordship's own erroneous notions of remuneration

"Truth is Truth, whosoever speakes itt; and I will readily agree with Papist, Socinian, or anie, so farre as hee asserts itt, because itt is not his, but God's." Dr. ANTHONY TUCKNEY'S *Third Letter to Dr. Benjamin Whichcote*, Oct. 8, 1651, p. 85.

EIGHT LETTERS which passed between Dr. BENJAMIN WHICHCOTE, Provost of King's College, and Dr. ANTHONY TUCKNEY, Master of Emanuel College, Cambridge, now first published by SAMUEL SALTER, D. D., Prebendary of Norwich, and Curate of Great Yarmouth, 1753,

Concerning the Use of Reason in Religion;
The Differences of Opinion among Christians;
The Reconciliation of Sinners unto God;
The Studies and Learning of a Minister of the Gospel.

Written in September and October, 1651.

"It is better for us that there should be difference of judgment, if we keep charity; but it is most unmanly to quarrel because we differ." Dr. WHICHCOTE'S *Aphorisms*, No. 569.

"By the way, I will observe, how little there is in many controversies, if wise and temperate men had the management of them; but when once there is suspicion and jealousy, these make and increase differences." Dr. WHICHCOTE'S *Discourses*, Vol. II, Disc. vii, p. 152.

is the burthen, though it should not fail to afford him conviction, it may perhaps give his Lordship *mortification* instead of *satisfaction*.

One of us must be in the wrong. Either I have attempted to impose on Earl Stanhope, or else his Lordship accuses me wrongfully; and how am I to acquit myself to his Lordship's satisfaction by proving him a wrongful Accuser? To inform will be to confute, and to remind will savour of reproof. To undertake to set his Lordship right, is to take upon me to be his Monitor.

It is related of the late Earl Stanhope, that his Lordship used to say, that in more instances than one he had taught the Judges Law; but then Earl Stanhope was a man of universal knowledge and universal genius, eminently qualified to excel in every Subject to which he chose to apply himself; and moreover his Lordship was also the Judges' Superior in titles, wealth, and lineage. But for me to presume to read the present Earl Stanhope a Homily on his social duties; to set his Lordship right in a matter of *common justice*, what have I to expect, but that to *confute* and to *convince* will be to *discomfit* and to *offend*; that *candour* will be taken for *arrogance*, and *truth* for *reproach*?

I am accused of a breach of social duty; and how can I rebut the charge, and at the same time shield the Assailant from the recoil of his own missiles? He that imputes Wrong to another without cause, is *Himself* the wrong doer. If, on this Inquiry, his Lordship finds himself obliged to acquit *Me*, can he do any other than convict *Himself*?

Earl Stanhope employs me to revise and correct the antiquated parts of an old Map for him, and then demurs to my Bill, alleging that I have charged for measuring a much larger quantity of Land than I was ordered to measure, and which his Lordship insists there did not exist any necessity whatever to measure. And secondly, that he has delayed the payment of my Bill on account of my Charges appearing to him unreasonable and exorbitant;* that is, as these epithets imply, charges exceeding the bounds of justice—unconscionable charges. To clear myself, therefore, from these im-

* See page 34.

putations, I must prove his Lordship's opinions erroneous, and his demur to paying my Bill unjustifiable. To clear myself in the opinion of Earl Stanhope, is to convince his Lordship that, instead of his being the Party aggrieved, it is his Lordship himself is the sole Aggressor; that, in return for faithful Service, he has suspected, discarded, and traduced; that when he had got his Work done to his satisfaction, he withheld and denied the just retribution; that he stretched out his hand to receive, but shut it when he should repay. If, therefore, I succeed in my Vindication with Earl Stanhope, will his Lordship be satisfied with his Conviction?

To give *Me* satisfaction is assigned as one of Earl Stanhope's motives for suggesting a reference to Arbitration. But if it was his Lordship's wish to give *Me* satisfaction, how much greater must it be my desire to give satisfaction to his Lordship! It is a common observation, that near Neighbours must be sweet friends or bitter enemies; and who, if he could possibly avoid it, would have a bitter enemy in so Potent a Neighbour? The proverb says, "It is hard to live at Rome and be at feud with the Pope." My little patrimony, my residence, is situated within his Lordship's manorial Domain, and not very distant from his Lordship's Mansion. But this is not all; my Father was very well known to Earl Stanhope's Father and Grandfather, and was respected by them. My Father was a Land-Surveyor; and though he had relinquished Surveying as his general occupation, and had entered into a different line of business before he was known to Earl Stanhope's Family, yet he occasionally Measured and Mapped an Estate for some of the neighbouring gentlemen. The Survey of Earl Stanhope's Buckinghamshire Property in the year 1785, was the last Survey my father was ever engaged in; it was scarcely finished at the time of his death, forty-two years ago.* Earl Stanhope's father was almost the first person who employed me, when I began to measure Land on my own account, and his *present Lordship himself*, when he was Lord Mahon, did me the honour, nearly thirty years ago, to attend me for several days, in a small Survey, undertaken at the desire of the late Earl

* This was written in 1827, expecting the Arbitration would then take place.

Stanhope, his Lordship's father, for the express purpose of giving his *present Lordship* a little insight into the practical part of Measuring and Planning Land. If the Survey now under your inquiry had been done for some Stranger, who had chanced to employ me, still to have such Accusations brought against me by my Employer, and not to clear myself in *His* opinion, as well as in the opinion of the Referees, could not but be matter of regret. But from the considerations above related of previous intercourse and long good understanding with his Lordship's Family, how much greater must be my concern to clear myself in the opinion of, and to afford satisfaction to Earl Stanhope! Certainly, if this dispute had happened with some *Stranger-lord*, and if he had proposed a reference to Arbitration, I should have met the inquiry immediately. If, by being convinced of his error, he had been offended, I could have been content to incur the enmity of a *stranger*. Enmity is one of the unavoidable incidents of life, and he is excused from a common share of its evils who has only *strangers* for his enemies. Discord was the patrimony of the first two men that ever were born, and the Inheritance was entailed upon all who have come after.* Enmity is indigenous

* ————— "In me all
 Posterity stands cursed : fair patrimony
 That I must leave ye, sons !"

MILTON, *Paradise Lost*, Book x. lines 817—819.

"If, therefore, when there was but as yet one only family in the world, no means of instruction, human or divine, could prevent effusion of blood; how could it be chosen, but that when families were multiplied and increased upon the earth, after separation, *each providing for itself*, envy, strife, contention, and violence, *must* grow amongst them?"—HOOKER, *Eccle. Pol.* Book i. § 10.

—————"In every heart
 Are sown the sparks that kindle fiery war;
 Occasion needs but fan them, and they blaze."

COWPER, *The Task*.

"The very Patriarchs themselves sometimes were unable to speak peaceably to their own Brother."—HOOKER'S *Answer to the Supplication that Mr. Travers made to the Council*.

The author of "Scripture Illustrated," says, "The Gourd of Jonah

to every clime; some collision of their Interests makes man the enemy of man every where, and fortunate is he who finds not an enemy where he reckoned on a friend; fortunate is he who can keep the foe out of his own family, *who has no war to wage under his own roof*, an exemption which even Moses was not favoured with, although he was the meekest man of all that were upon the face of the earth.* (Numb. xii. 1, 3.)

Conflict seems to be inseparable from terrestrial being. The very elements are in continual perturbation and strife.† In animals, the propensity to contend and to desire victory, seems to be as innate as the principle of self-preservation,‡ and in our present

should be no trivial lesson to theological disputants. So long ago as the days of Jerom and Augustine, those pious fathers differed as to what the plant was; and they not only differed in words, but from words they proceeded to blows; and Jerom was accused of heresy at Rome by Augustine. Jerom thought this plant was an *Ivy*, and pleaded the authority of Aquila, Symmachus, Theodotion, and others: Augustine thought it was a *gourd*, and he was supported by the LXX., the Syriac, the Arabic, &c., &c. Had either of them ever seen the plant? No. Which of them was right? *Neither*. Let the errors of these pious men teach us to think more mildly, if not more meekly, respecting our own opinions, and not to exclaim, *heresy!* when the subject is of so little importance as—*Gourd versus Ivy*.”
—CARPENTER’S *Scriptural Natural History*, pp. 503, 504. 8vo. 1828.

MORTALS ARE HEIRS TO CONTENTION.

* “Who can look for love and prosperity, at once, when the holy and meek Moses finds enmity in his own flesh and blood? (Numb. xii. 1.) Rather than we shall want, ‘a man’s enemies shall be those of his own house.’ (Micah vii. 6.)”—BISHOP HALL. See D’OYLY’S *Bible*, Note on Numbers, chap. xii. 3.

† — “Hot and cold, and dry and wet,
Strive each other’s place to get;
And with incessant toil and strife,
Would keep possession during life.”—PRIOR’S *Alma*.

‡ See Dr. Ferguson’s *Moral Science*, 4to. 1792, Vol. I. pp. 15, 16, 125, 182, II. 75, 300—302; his *Essay on the History of Civil Society*, 5th edit. 1782, Pt. I. § 4, p. 32, Pt. III. § 5, p. 254, Pt. V. § 2, p. 355; Dr. Reid on the Principles of Action, Essay III. chap. v.; Lord Kames’s *Sketches of the History of Man*, 4to. 1774, Vol. I. 361.

state may, perhaps, be essential to the consciousness of existence. It has been confidently asserted, that in *Man* this disposition to *conflict*, this bane of his peace, is the mother of his improvement,* and is as essential to his welfare as it is inherent in his nature; that *contention* is the promoter of his health, and the source of his virtues—gives vigour to his body, and birth to his intellects;† that without an occasion for *contest*, there would be no field for the exercise of his faculties; that, without an antagonist to cope with, his blood would stagnate in his veins, and his mind become lethargic and torpid,‡ fit companion only for the bat and the tortoise in the winter season.§

It is a humiliating reflection, but human nature is so constituted, or so corrupted, that inimical feeling appears to be the main spring of human improvement. For what is *emulation*|| but ambition, and envy, and jealousy, and pride?—The desire to surpass competitors is inseparable from the desire to keep back competitors.

So ought it not to be, but so it appears to be, that the desire to eclipse, and to supersede, to depress, to humble, and to supplant, is the primary stimulus to excellence. It is the collision of private interests, the spirit of competition; *the inimical propensity*, in some shape or other, between individuals, which appears to be the life-spring of the body politic, the first mover of the public weal.

* See Dr. Ferguson's Essay on the History of Civil Society, Pt. I. § 4, 7—9, Part II. § 3, Part III. § 1, 2, 5, Part V. § 1, 3—6; Lord Kames's Sketches, &c., Vol. I. 329, 427, 428, 430—438; Dr. Reid on the Principles of Action, Essay III. chap. v.

† Lord Kames's Sketches, &c., Vol. I. 384—388.

‡ Lord Kames's Sketches, &c., Vol. I. 382, 386.

§ "Pray what figure do you think *Hercules* would have made if there had been no such Lion, and a Hydra, and a Stag, and unjust and brutal Men, whom he expelled and cleared away? And what would he have done if none of these had existed? Is it not plain that he would have *wrapt himself up and slept*?"—CARTER's *Epictetus*, Book i. chap. vi. 4to. p. 25.

|| Cowper's *Tirocinum*; Law's *Serious Call to a Devout and Holy Life*, chap. xviii.; Gisborne's *Duties of Men*, chap. xiv. § iii. p. 475, 6th edit. 1811; Gisborne's *Duties of the Female Sex*, chap. iv. p. 70, 3rd edit. 1798; Dr. Ferguson's *Moral Science*, II. p. 77, 4to.

Whether or not, under the present economy of human nature, a better and a praiseworthy principle * might be substituted to perform the same office, this much seems to be certain, that there is no living here free from *contention*. Who is there here without *adversaries*? and *who* that does not oftentimes find one where he least expects any? —*adversaries* who will leave him no choice but to defend or surrender his *right*. How many are assailed and have no alternative but to repel the Assailant or be ousted, who must make a stand and contend somewhere or relinquish their *all*, who have no choice but strife or starvation! † But, however inevitable the condition of *Enmity* may be, no one, if he can possibly avoid it, will be at enmity with so powerful a Neighbour. It is not only those who depend on the patronage or countenance of the Great for employment and for bread, and who are therefore obliged to obey, study, purvey for, and anticipate the will and pleasure of the Great; but all who live in the vicinage of the Great, and who are unable to cope with their *power*, must submit to their domination or take the consequences of their *enmity*. When, however, a contest arises between the Small and the Great, all may soon be well again if the *Superior* have the *right* of the question on *HIS* side. If the *Inferior* be lucky enough to be in the *wrong*, he may contend, and stoutly too, and all shall soon be well again. “*To err is human.*” Magnanimity and Ostentation are both inclined to forbearance; but for the *Superior* to have to retrace his steps of error, involves a consideration which often proves an overmatch for all others.

“When the Opponent pushes hard,” says Dr. Watts, “and gives

* A love of duty instead of a love of glory.

† That a state of WARFARE is the inevitable destiny of mortals is an orthodox doctrine. That Life is spent in Conflicts is a truth which all experience proves. What is the history of Mankind, but a record of carnage, a memorial of the destruction of the *weaker* by the *stronger*? Here there is no exemption from *conflict*. Holiness will not insure peace in the progress through life, but peace at the *end*. All that religion promises is, to equip the combatant with fit armour for the combat, that he may acquit himself with a good conscience in it.

just and mortal wounds to our own Opinion, our Passions are very apt to feel the strokes, and to rise in resentment and defence."*

"A conquered Combatant," says Dr. Knox, "would rather that Truth and all her interests should be deserted, than that his Pride should be humbled by submission."†

"Pride," says Sir Matthew Hale, "is a kind of *devil*, that ordinarily haunts upon worldly Greatness."‡

In a contest, where Argument is opposed to Argument alone, there is a chance for the *better* Argument to prevail over the *worse*; but if on one side that *personage* of whom Sir Matthew Hale speaks, is posted in the rear, what chance is there for argument alone on the other side to prevail in so unequal a warfare?

To combat Earl Stanhope's notions of Remuneration, and his notions of his Interest, backed as they are by the sanction of his Advisers, I have found by experience is no every-day undertaking; and to prevail against such a Confederacy, will be no ordinary achievement. But if his Lordship's Pride should also enter the lists, what shall avail against his Pride?

"Pride, of a growth superior to the rest,
The subtlest Serpent, with the loftiest crest."

COWPER, *Poem on Truth*.

As well might the Titmouse tilt with the Rattlesnake, the Wren contend with the Falcon, or the Redbreast pit himself against the Imperial Bird, as for Plebeian Argument to contend with Patrician Pride.

It was not from any reluctance to meet Earl Stanhope's *Arguments*, that I have wished to avoid this collision, but it is this malevolent Fiend posted in the rear that I have felt so much reluctance to encounter; for what shall avail against an Adversary which Argument will but scath and scotch, but not vanquish?—which *conviction* will but render the more obdurate, indignant, and vengeful?§

* Dr. Watt's Improvement of the Mind, Pt. I. chap. x. Sect. xiii.

† Dr. Knox's Sermons on Faith, Hope, and Charity, p. 381, ed. 1796.

‡ Sir Matthew Hale's Contemplations, Vol. II. p. 147, ed. 1805.

§ "To escape from such a foe is victory."

And how shall I repel his Lordship's allegations, and overthrow his opinions, and annihilate his suspicions, without wounding his Pride? And if his Pride be wounded, what shall heal it again?

Solomon says, "The beginning of strife is as when one letteth out water," * "which cannot be gathered up again."†

According to Epictetus, to inform the Understanding is to wound the Pride. "In matters relating to life," says Epictetus, "we hate those who have convinced us."‡ And the late learned and Rev. Jeremiah Joyce, *who was Earl Stanhope's Tutor*, held and inculcated the doctrine, that "'tis the Wrong-doer that bears the grudge." "THEY NE'ER PARDON," says he, "WHO COMMIT WRONG."§ This last-cited authority, being of so recent a date, I take it for a certainty, that no remedy for wounded pride has yet been discovered, or, at least, that none which can be relied on *has ever yet obtained in practice.*

Let us hope that when the Alchymists have found the Philosopher's-stone, their next object of research will be some soothing specific for wounded Pride. This discovery would be a no less important acquisition to the moral world, than that of the art of turning all our culinary utensils into gold, would be in the physical. For whether it be that among all the known vulnerary medicaments there is none of any efficacy for this case, or that for this case the moral-pharmacopœia contains nothing but salves which are found too searching to obtain a fair trial—certain it is, that a soothing specific for wounded Pride is hitherto a desideratum in the healing art.||

In this view of the matter, then, it may be one thing to exculpate one's self in the opinion of our Accuser, and another thing to give our

* Prov. xvii. 14.

† 2 Sam. xiv. 14.

‡ Epictetus, book i. chap. xxvi. § iii., 4to., p. 88.

§ See AN ACCOUNT of Mr. JOYCE'S ARREST, &c., 2d ed. p. 29, 1795.

|| "Many things are the cause of much evil; but Pride of all."—"Surely upon us whatsoever God in this world doth or shall inflict, it cannot seem more than our Pride doth exact, not only by way of revenge, but of remedy. So hard it is to cure a sore of such a quality as pride is."—HOOKER'S *Sermon on Pride.*

Accuser *satisfaction* ; since this latter affair requires, not only that he should be convinced of the rectitude of *our* conduct, but that he should also be reconciled to his *own*.

We are all Moralists, and we all would be thought competent to the duties of our moral calling ; when, therefore, our opinions on a question of Duty clash, we become competitors, and if we find ourselves fain to yield the Palm to one below us in station and education, we feel ourselves chagrined and Crest-fallen. Instead of feeling beholden for the information we have received, we are angry with ourselves that we stood in need of it, and are offended with our Informant for making us angry with ourselves.

Under this view of the subject, then, when a dispute arises on a question of relative duty, and where there is a great disparity in the condition of the parties at issue, if the Inferior be in the right, he is placed in a strait, with no alternative but immediate retreat, or an encounter with the Pride of the Superior.

Earl Stanhope's resisting the charges in my Bill on the groundless pleas of my having done superfluous work, and of my charges being exorbitant, I could not but consider placed me in this strait.

I had no alternative but to admit the justice of his Lordship's allegations, however erroneous, or to endeavour to convince him they were utterly groundless ; that his suspicions were altogether imaginary, and his conduct palpably unjust. I must either acquiesce in the ill opinion which his Lordship had conceived of me, however undeserved, and passively allow him to fasten on my character the stigma of having attempted to take money unjustly out of his pocket, or else, according to Epictetus and Mr. Joyce, I must get his Lordship's hatred for convincing him of his error, and entail his enmity for proving him to be the wrong-doer. Where the subject of difference between the Small and the Great is a mere dry point of right, as a right of commonage, or a right of way, or simply a difference about pence, or any cause of difference in which moral principle and character is not touched by the question ; the inferior party may have only to consider whether he shall come off ultimately with less loss by yielding his right, or by contending for it ; for in such case, whatever be the merits of his cause, " a lean agreement may be

better than a fat sentence." "The half may be better than the whole." In preference to litigation, the half at the outset may be incalculably better than the whole in the issue.

To proceed. Cases may happen in which the Small may be wronged, and yet be obliged to entreat also. (Ecclus. xiii. 3, and 1 Cor. iv. 13.) In the game of human intercourse, the Small may be often matched against the Great, and be obliged to play booty, and let the Great win. But where moral character is involved in the decision, the *stake* is too high to play booty.

If I must have either the imputation of dishonesty sticking on my character or else incur his Lordship's enmity for defending it, there would be no hesitation about which I would prefer. In an inquiry where moral Character is the stake, all homage to artificial distinction must be dispensed with. Here, Titles and Rent-rolls, Domains, Equipage and Retinue, are but as a little dust on the balance, and as dross in the melting-pot. Robes, and Coronets, and 'Scutcheons, are but as Rags and Bawbles, and Gew-gaws, here. Station, Wealth, and Pedigree, do not change the nature of moral Right and Wrong. On this ground the Noble and the Churl are on equal footing.* Here it is of no account what Stock a man comes of, nor what Station he occupies, but his Conduct in his station. In this view it boots nought to the present inquiry how many Talents of Gold his Lordship has got in his coffers, how many changes of raiment he may have in his wardrobe, and how many courses of dishes are daily set on his board.

* " Say, what's Nobility? ye *splendid* train;
Does nature give it, or can guilt sustain?
Blossoms the form fairer if the birth be high,
Or takes the vital stream a richer dye?
What, though a long Patrician line ye claim,
Are noble souls entailed upon a name?

* * * * *

Vice levels all, however high or low,
And all the difference but consists in show."

PAUL WHITEHEAD.

Whatever *reverence* may be due from me towards his Lordship, on account of the wide disparity there is between us in these particulars, where moral character is arraigned, the merits of the cause must take place of all other considerations. Where conscience acquits, moral character must be defended, let who will accuse. Earl Stanhope may be as greatly my superior in mental Gifts and Acquirements, as in Rank and Wealth. But if I am bound to be true and just in all my dealings, I am alike bound to defend myself from unmerited imputation, however exalted the Rank, however Rich, and however superior the Endowments and Acquirements of my Accuser.

Were I Earl Stanhope's equal in Talents and Education I might defend myself with more ability, but the degree of ability to defend makes no difference as to the right of defence. The vindication of my character is as important to me as the vindication of his Lordship's, were it called in question, would be to him. Would Earl Stanhope hold dishonesty to be less disgraceful in me, on account of my inferior station, than in himself? Be his Lordship, or whosoever else, of that opinion, I cannot pretend to plead any such excuse. I have not, indeed, had Earl Stanhope's education, but I was early taught the importance of character. I have not had a classical education, but I was early taught, that, "*of all crafts honesty is the master craft;*" that, when probity is gone there is nothing valuable left; that a man's moral conduct is a *book* which every one can read, and which every one of his neighbours *WILL READ*, whether he choose they shall read or no; that, therefore, the only sound policy is, *to be in truth what you would have others take you to be*. Although I have not had a classical education, I was early taught, that "it is better to be cheated than to cheat;" that he who wrongs another injures himself most, because nothing but honesty can be ultimately profitable,* and that dishonesty is so disgraceful, that he who has been once convicted can never afterward meet on equal footing one who has not. I was early taught that, whatsoever might be my pursuit, to look to self-approval for my chief reward; that the consciousness of integrity is the richest treasure a man can

* Psalm xxxvii. 37.

acquire in this world, and an unblemished reputation the goodliest Inheritance he can leave to his children. The imputation of dishonesty always impairs character. To be suspected is a reproach. "What ought not to be done," says Epictetus, "be not even suspected of doing."* And Lord Chesterfield, although not one of the most rigid of moralists, repeatedly inculcates, in his Letters to his Son, that "character must be kept bright as well as clean."†—"The possession of all the moral virtues," says his Lordship, "is not sufficient—you must have the *reputation* of them also."‡ But what need to cite Authorities to prove the importance of *moral character*? Every one knows that, in employments of trust, the reputation of probity is as essential to the obtainment of patronage as the reputation of professional ability; and every one knows also that the impu-

* Epictetus, Frag. xcv. 4to. p. 491.

"A false calumny is able many times to give [reputation] an irrecoverable shock. The displeasure of a greater man than thyself makes thy sun set in a cloud"—"misrepresentation, in a moment, dasheth the applause and esteem that a man hath been building up twenty or thirty years."

SIR MATTHEW HALE's *Moral Works*, Vol. I. p. 159.

† Lord Chesterfield's Letters to his Son, Letter lxxxvi., Dr. Gregory's Abridgment.

‡ *Letter xciv.*

In these LETTERS his Lordship is repeatedly adverting to the same topic and inculcating this most important Lesson—the indispensable necessity, and the inestimable worth, of *moral character*. The following passages may be quoted from them in addition to the above examples:

"I will recommend to you a most scrupulous tenderness for your moral character, and the utmost care not to say or do the least thing that may ever so slightly taint it."—*Letter lxxxvi.*

"If you are *looked upon* as a *liar* and a *trickster*, no confidence will be placed in you."—"You will be in the situation of a man who has been burnt in the cheek, and who, from that mark, cannot afterwards get an *honest* livelihood if he would, but must continue a thief."—*Ibid.*

Again, "A man's moral character once tainted is irreparably destroyed."—*Letter cvii.*

"For God's sake be scrupulously jealous of the purity of your moral character! Keep it immaculate, unblemished, unsullied," &c.—*Letter lxxxvi.*

tation of want of principle, however unfounded, will as effectually deprive a man of employment as if he had been convicted of fraud.—In a trial at Guildford Assizes, not very long since, it was remarked by the venerable Judge Graham, that “Character to a man was life and soul to him; for, without it, he could not lift up his head in society, and must be ruined in all his pursuits.”* Wherever, therefore, *moral character* is impugned, it is not for the Accused to play booty, to cajole the Accuser, but to defend himself with all his MIGHT. This course it behoves me to follow. Neither would it be to deal fairly and truly by his Lordship to do otherwise. To deal fairly and truly by his Lordship, is *to undeceive him*; not to play booty, and to confirm him in his erroneous opinions, but where “he has missed his aim, and has gone out of his way,” to spare no pains to shew him RIGHT.

To return—I have already stated, that I considered my commission, in regard to the quantity of land to be re-measured, was rather a discretionary power than a limited order. The first point, therefore, for your consideration is, whether the re-measurement of the *whole* Park was or was not *virtually* ordered by Earl Stanhope; that is to say, whether such re-measurement was or was not indispensable for making such corrections in the old Map as I shall prove his Lordship *did* require me to make. That Earl Stanhope gave me an order to correct the Map in question, according to the *altered* state of the property, I am enabled to *prove* by referring to his Lordship’s reply to my letter. It is there stated, that Earl Stanhope required me to measure such parts as had been added to the Estate since this Map was made; also, to mark such alterations as had been made in the *boundaries*, and to *measure the quantities* which had been *varied by such alterations*.” (See p. 34.)

Now, what is here admitted to have been required to be done is all that I have done, or charged for doing. As Earl Stanhope contends to the contrary, it behoves his Lordship to point out which part of the Park did not require re-measuring, in order to do *that* which his Lordship admits in this reply he did require, namely, “to mark such alterations as had been made in the *boundaries*, and to

* August 1824, Newspaper Report.

measure the quantities which had been varied by such alterations." And it will be for you to decide on the merits of the Objection.

The remaining point in dispute is the Charges contained in my bill.

It has been already stated, that nothing passed between Earl Stanhope and myself on the subject of price, until a considerable time after the work had been done, and the Map returned to his Lordship. In my letter of explanation to Earl Stanhope, the copy of which I have read to you, I defended my charges for re-measuring and Mapping, on this ground, namely, "That as far as I was acquainted with the subject, the work could not be afforded at a lower price, but at the expense of accuracy." (See p. 31.) To which it is replied, as I have already recited to you, "Earl Stanhope adheres to his opinions which he intimated to you on the subject of your charges."—"He is informed by persons of much knowledge and experience on these subjects, that the charges contained in your bill are exorbitant, and that Estates have been accurately and neatly Mapped for *sixpence* per acre." (See pp. 33, 34.) I know not whom Earl Stanhope consulted upon this occasion.

It is affirmed, in his Lordship's reply, they were persons of much knowledge and experience on these subjects. This, however, is perfectly clear—if they possessed the requisite acquirements to judge aright, yet they were wanting in qualifications not less essential to fit them for the judgment-seat. If Knowledge and Experience were Earl Stanhope's advisers, their worthy coadjutors were absent from council; Consideration and Candour would not have condemned and stigmatized without either conviction or trial.

But whatever might be the opinion of some other persons on the question in dispute, and whatever influence their advice may have had in deciding Earl Stanhope's conduct on this occasion, these are matters which I know can have no influence on your decision, because you will judge for yourselves. Yet, as the purpose of this Meeting is for *explication*, as well as for *decision*, I shall here make a few additional remarks on this head, before I quit the subject of Earl Stanhope's Advisers.

I presume they are persons who know nothing of me, but from

Earl Stanhope's complaining to them of my charges for Surveying ; and I therefore conclude, that nothing personal against me could have any share in their motives for condemning my charges. Yet, as it appears from what is stated in Earl Stanhope's reply, that their condemnation of my charges had some weight with his Lordship, in deciding his conduct on the subject of inquiry, it will be but allowing me fair play for his Lordship to hear whatever I may have to suggest to him, as to the worth of such testimony.

I take it for granted, that an Inquirer, upon an occasion like the present, is in pursuit of truth ; that having a suspicion that all is not right, he makes inquiry to ascertain whether his suspicion is well-founded. In stating the grounds of his suspicion, however, it will not fail to be inferred by the person to whom he appeals, that the Inquirer, according to his own views of the question, has just cause for complaint. Whomsoever he consults, he will naturally conclude that the Inquirer considers himself aggrieved, or he would not have made such inquiry. The point for consideration, then, is this :— If a Great person happens to take up an erroneous opinion ; if upon any occasion like the present, he unluckily wholly misconceives the matter, and mistakes right for wrong, to whom shall he apply that will undeceive him ? It is a general remark, that persons whom Great folk are wont to consult, are more intent that their replies shall *please* than inform them, more given to *dissemble* than to *dissent*. But such sweeping reflections must always be understood as having exceptions, and Earl Stanhope doubtless includes his own Advisers among the exceptions ; doubtless his Lordship would consult none but persons whom he believed to be Men of good faith, honest, and true.

It is, however, a universal axiom, that Great folk's Advisers are not wont to be their Monitors.* It is obvious enough that to whom-

* Bishop Wilson says, "The Rich and Great have most need of being told the truth, and yet they seldome hear it ;" and the reason he gives for it is this, because "few dare be sincere with those that are above them."—BISHOP WILSON'S *Maxims*.

Bishop Jeremy Taylor says, "If a great personage undertakes an action passionately, let the whole design be unjust, let it be acted with all the

soever the Great man appeals, in a case like the one here in hand, the person appealed to is required either to assent to or to oppose the opinion of the Appellant, either to confirm his opinion, or to engage in a controversy with him against it; and I believe that Earl Stanhope would find most persons, upon such an occasion, indisposed to engage in a controversy with him. Nor can it be otherwise. If a Great person intimate a suspicion that he has been imposed upon, it is so much easier to assent to his suspicions than to assist his judgment; to admit the justice of his allegations, than to try the cause with him; to join in condemning the absent accused, than to dispute with the accuser, that it is no wonder if the persons whom he consults should be more willing to defer to his opinions than to arraign his judgment or to question his equity.

Whomsoever Earl Stanhope consulted upon this occasion, they knew that his Lordship thought that I had overcharged him for my work, and they therefore readily concluded it would be more to his Lordship's inclination, as well as to his interest, to have his opinion confirmed than to have it refuted. And whom could his Lordship consult that would not expect the information and counsel he gave,

malice in the world, he shall have enough to flatter him, but not enough to reprove him." He adds, "He had need be a bold man that shall tell his patron he is going to hell;" and again, "It is none of their least infelicities, that their wealth and greatness shall put them into sin, and yet put them past reproof."—*Holy Living*.

Mr. Selden says, "Great Lords, by reason of their flatterers, are the first that know their own virtues, and the last that know their own vices."—*Table Talk*.

And Sir Francis Bacon says, "They be the last that find their own faults."—*Essays, Civil and Moral*, Essay xi.

Again, says he, "It is a strange thing to behold what gross errors many (especially of the greater sort) do commit for want of a friend to tell them of them, to the great damage both of their fame and fortune."—*Essay* xxvii.

And again, "It is a rare thing, except it be from a perfect and entire friend, to have counsel given him, but such as shall be bowed and crooked to some ends which he hath that giveth it."—*Ibid*.

"Let him beware how he opens his own inclination too much in that which he propoundeth, for else counsellors will but take the wind of him, and instead of giving him free counsel, sing him a song of *Placebo*."—*Essay* xx.

must be in accordance with his Lordship's preconceived opinion, or it would not give him satisfaction? Whom then could Earl Stanhope find who would suffer himself to start objections, to suggest doubts, or to put queries to him, and thereby needlessly subject himself to the imputation of inimical feeling, or of wanton hostility towards the Appellant? Who would not be too much disposed to find his Lordship in the *right*, to be inquisitive after intelligence which might prove his Lordship in the *wrong*?

When, therefore, Earl Stanhope made his appeal, it was but a matter of course that judgment should go by default against the accused; for which of his Lordship's advisers would array himself on the opposite side? Who would volunteer to be his Lordship's Inquisitor? However untenable his Lordship's case, which of his Advisers would, out of pure love of Right, choose to inform him that he was "*All in the Wrong*"? Could his Equals give sentence against him upon his own shewing, or would he endure correction at the hand of an Inferior? Could his friends side with the accused, or his dependants refuse to take up his quarrel? In such case, the more palpable his error, the more ungracious is the office to set him right. If he entertains groundless suspicions of having been imposed upon in a plain matter of justice, or if he has penurious notions of remuneration, how is he to be undeceived and corrected, without reflecting on his understanding or his equity, without offending his pride or his conscience? If his friend sets him right, there is an end of their friendship. Chastise thy friend, and entreat him to take it in good part; bruise his head, and then knock at his breast for readmittance.* And with regard to a dependant, he may be in

* "The most difficult province of friendship is letting a man see his faults and errors."†

"You know, Sir, friends, if they be dear indeed and indeed, are very loth to cross and contradict one another."‡

"The fondest and the firmest friendships are dissolved by such openness and sincerity as interrupt our enjoyment of our own approbation."

"When a man feels the reprehension of a friend seconded by his own heart, he is easily heated into resentment."§

† Spectator, No. 338.

‡ Dr. John Eachard's 2d Letter to R. L., 1671.

§ Dr. Johnson.

a similar predicament to Æsop's Fisherman, who, as he was dashing the water with his net, some of the neighbourhood that looked on, told him he did ill to muddle the water so and spoil their drink. "Well," says he, "but I must either spoil your drink, or have nothing to eat myself." It is a cruel dilemma, when a Man must either do an ill office to another or lose his own bread. When a Man has to balance himself on the brink of a precipice, *instinct* will compel him to lean on the terra-firma side.* Friendship, gratitude, and expectancy, hope of favour, fear of resentment, desire to serve the Great, are powerful motives to bias the judgment. Wherever these have access, they are so sure to get the sway, that a great person who asks an opinion where he knows either friendship, gratitude, or expectancy, to be of the council, may be as deservedly responsible for the answer which he receives, as he is for the conduct of any one who durst not disobey his command.

I have somewhere met with an anecdote related of one of our kings, who is reported to have said, that while he had the power of making judges and bishops, he would make that to be law and gospel which best pleased him ;† that is, as I infer, he would take care

* Dr. Ferguson, in speaking of "the well-known *instinctive* abhorrence of a precipice, by which man, as well as many of the other animals, is affected in looking down from a height," observes, "the head grows giddy, and gives warning of danger, which certainly precedes the knowledge of what might be feared from a fall."—"Nor would it be safe," says he, "for a man to have no other guide in this matter but his own experience and knowledge of the laws of gravitation and collision. *The first trial might be fatal*: and nature has kindly anticipated the effect of knowledge in a certain feeling of dizziness and fear of falling, which keeps the person concerned from exposing himself to such dangers."—FERGUSON'S *Moral Science*, Vol. I. Pt. I. chap. ii. § 10, p. 121, 4to. 1792.

See also Dr. Thomas Brown on the Philosophy of the Human Mind, Lectures 61 and 69, Vol. III. pp. 265, 449, 2d ed. 1824.

† Sydney's Discourses on Government, chap. ii. § 27, 4to. 1763, p. 211.

"We see the pageants in Cheapside, the lions, and the elephants, but we do not see the men that carry them; we see the judges look like lions, but we do not see who moves them."—SELDEN'S T. T. ed. 1777, p. 73.

"The judges they interpret the law; and what judges can be made to do we know."—*Ibid.* p. 81.

that such persons only should be judges and bishops as had too much to hope from his favour, and too much to fear from his displeasure, not to be willing, each in his respective line, to expound law or gospel to his Majesty's liking.

Whoever is appealed to by a Great personage, and imagines that he can pronounce against him, and give him satisfaction too; whoever will dare to tell the Great a disagreeable truth rather than belie his own conscience, may learn from the following incident how the information will be received, and what is the most favourable treatment he may expect for his sincerity.

“And Balak said unto Balaam, What hast thou done unto me? I took thee to curse mine enemies, and behold thou hast blessed them altogether. And Balak's anger was kindled against Balaam, and he smote his hands together; and Balak said unto Balaam, *I thought to promote thee to great honour.* I called thee to curse mine enemies; and behold thou hast altogether blessed them. Therefore, now flee thou to thy place.” (Numbers xxiii. 11, xxiv. 10, 11.)

And who is there so circumstanced as to be out of the reach of the resentment of the offended Great; or who is there who knows not that the breath of their enmity blights all before it?

How easily can they infuse the secret taint,* the blast that engenders the canker-worm! How easily can they drop the dead fly into the ointment, and give to it a stinking savour!

Who, then, can guard against or calculate the amount of injury, open and secret, he might have to sustain from the resentment of the offended Great? Every one knows that the resentment of the Great is the enmity of all their connexions, and that, in one shape or other, the foe will meet him at every turn, and cross him in every path, throughout their influence; and who shall define the limits of their influence?

* “Soft and gentle poison, the venom whereof being insensibly pernicious, worketh death, and yet is never felt working.”—HOOKER, *Ecc. Pol.*, Book iv. § x.

† Eccles. x. 1. “One fly is enough to spoil a whole box of ointment.”—Bp. JEREMY TAYLOR, *Holy Living*, chap. ii. § iv.

The desire to please, and the reluctance to offend, *those* who have so much power to injure, are so inherent, that it is a hard matter for the Great to obtain disinterested advice; it is a hard thing to find men who can judge impartially between the Small and the Great; it is a hard thing to find men who will condemn the Powerful. We all know that Wealth universally makes worship. Men of all ranks and persuasions pay court where they expect to find their account; men of all callings and creeds offer incense to Mammon. Moreover, all mankind do homage to Wealth, not only from interest, but from instinct. Power is given to riches over both the understanding and the feeling: there is an enchantment about Wealth that lures the sympathy and blinds the judgment of all who approach the halo of its magical influence.

“When a rich man speaketh, every man holdeth his tongue; and look, what he saith, they extol it to the clouds.—He speaketh things not to be spoken, and yet men justify him.—But if the poor man speak, they say, What fellow is this? and if he stumble, (that is, if he fail to please,) they will help to overthrow him.”*

But, even supposing the contending parties are Equals—supposing also the person appealed to free from all bias through private interest or affection towards either side—that he is under no obligation to either—has no hope of gain, no fear of loss, by pleasing or offending either party—“He that is first in his own cause seemeth just,” saith Solomon.†

The following anecdote of King James the First affords a striking exemplification of this truth. It is somewhere related of that monarch, that, soon after his accession to the English throne, he went one day to hear causes in Westminster Hall, and being seated on the Bench, a cause came on, which the counsel for the Plaintiff set forth to such advantage on the part of his client, that the Royal Judge soon saw the justice of it so clearly, that he frequently exclaimed, “Ise ken the matter unco weel—the gude mon is i’ the reeght—the gude mon is i’ the reeght—he mun ha’ it—he mun ha’ it.” And when the counsel for the Plaintiff had concluded, his Majesty took it as a high affront that the Judges of the Court should presume to re-

* Eccclus. xiii. 22, 23; Micah vii. 3.

† Prov. xviii. 17.

monstrate with him, that it was the rule there to hear both parties before judgment was given. Curiosity to know exactly what could be said to so clear a case, rather than any respect to their rules, made the King give way. But the Defendant's counsel had scarcely begun to make his reply, when the King appeared greatly discomposed, and was so puzzled as the business went on, that he had no patience to hear it out, but, starting up in a passion, went away in high dudgeon, crying out, "Ise hear nae mair! Ye are a' knaves aleeke—ye are a' knaves aleeke!"

It ought, however, to be added, in justice to this Monarch, that he learnt better after he had been *longer* upon the throne; for, in old Michael Dalton's "Justice of the Peace," published in the beginning of the succeeding reign, after the author having set forth the duties of Justices—such as, "Ye shall have no respect to persons in judgment—Thou shalt not favour the person of the poor, nor honour the person of the mighty, but shall judge justly"—and reminding them, that "Justice is perverted by Precipitation, when they proceed hastily, without due examination and consideration of the fact, and of all material circumstances, or *without hearing both parties*; for," says he, "the Law judgeth no man before it hear him," and also, that "he that shall judge or determine of a matter, the one party being unheard, although he shall give a just judgment, yet he is an unjust judge" *—after which, this author observes, "All these, King James, his Majesty of happy memory, hath shortly, yet fully observed, in his Charge lately given † to the Judges, charging them, *that they do justice uprightly and indifferently, without delay, partiality, fear, or bribery; with stout and upright hearts, with clean and uncorrupt hands.*"

But to return—"He that is first in his own cause seemeth just." "Every way of a man is right in his own eyes." ‡ He that asks an

* Dalton's Justice of the Peace, folio, chap. ii. p. 7.

† In the Star Chamber, 1616.

‡ Prov. xxi. 2, and xvi. 2.

"Nature worketh in us all a love to our own counsels." §

"What we like is holy." ||

§ Hooker, Pref. to Ecc. Pol.

|| St. Austin.

opinion upon such an occasion as the subject here in question, has an opinion of his own on the case previous to his making the inquiry, and in stating his case, it only occurs to him to tell such parts of it as lead to his own inference. In appealing, therefore, to any indifferent person for his opinion, (*the adverse party being unheard,*) the appellant has only to state his case to obtain sentence in his own favour: he has nothing to do but to walk over the course and bear off the trophy. As, therefore, the appellant *cannot* be refuted, merely upon his own statement, *he mun ha' it*, as King James said; for to whomsoever he appeals, he cannot choose but pronounce the appellant *i' the reeght*, or wilfully implicate himself in the cause of the accused. But where there is so great *disparity* in the stations of the disputants, who will willingly implicate himself in the cause of the Inferior? Who will advocate the cause of Plebeian justice against Patrician influence? Who will enter the lists in so chivalrous an adventure? We all know how difficult it is to change an opinion when it is backed by interest—to correct and at the same time to conciliate. Who then will admonish, where to give advice is to give offence?—where instruction and insult are equivalent terms? Who will venture to teach equity to the Great by a *practical* lesson, when the boon for the service will be the brand of their vengeance?

Bold is the task when Plebeians,* grown too wise,
 Instruct Patricians† where their error lies;
 In vain we deem their thirst of vengeance past,‡
 'Tis sure the Mighty will revenge at last.

POPE'S *Homer's Iliad*, b. i., l. 103—106.

I shall now leave the subject of giving advice to the Great, and reply to the assertion of Earl Stanhope's Advisers, viz. that the Charges contained in my Bill are "*exorbitant*," and that Estates have been accurately and neatly Mapped for *Sixpence* per Acre. This I have reason to believe is a lower price than the customary charge of Land Surveyors of Repute in this County a century ago. The

* "Subjects" in the Original.

† "Instruct a Monarch where his error lies"—Original.

‡ "For though we deem the short-lived fury past"—Original.

Messrs. Hogben, Grandfather, Father, and Son, were notable Land Surveyors in this County for much longer than a *century* past. I remember many years ago the younger person of that family advertised in the Newspapers to dispose of his Plans of the Property which had been Measured and Mapped by himself and his Ancestors, consisting of Plans of Lands in upwards of **THREE HUNDRED** Parishes in this County, and stating that the Plans of many of the Parishes were complete.

My Father was taught Land-surveying by the last Mr. Hogben's Father. He died an old man in the year 1774. I have always understood that his Terms for Measuring and Mapping Lands, in Surveys of considerable extent, were, in general, **SIXPENCE** per Acre, but that, in addition to this Charge, he was repaid *all his incidental expenses during the time he was taking the dimensions of the Land*.* In the year 1785, my Father Measured and Mapped Earl

* This Mr. Hogben was by far the most eminent Land Surveyor in this County, more than a *hundred* years ago. Land Surveyors have experienced a great change of treatment since his time. In his time, a Land Surveyor was not sent by a Landlord to Measure and Map an Estate as the prelude to an *advance of the Rent*, but because the Owner of the Property wished to have, and to leave for the use of his Heirs, a *pictural* description of his Domain, a faithful *miniature* and *memorial* of his Territory. In those times, the relationship between Landlord and Tenant was on a very different footing from what has been the fashion of late years. A Land Surveyor *THEN* met with a welcome reception, and was treated as a *guest* at the hospitable Farmer's board. In those days, Farmers lived at easy rents. In our times, **RACK-RENTS** have banished hospitality from the Farm-house. In these latter times, the Farmer regards the Land-Measurer as an Adversary, the forerunner of a far more unwelcome visitant than the *mildew*, the *smut*, and the *murrain*. Close on the heels of the Land-Measurer follows *ONE* who holds in his hand the Farmer's *DOOM*—the *Land-Valuer*—a *personage* whom the Farmer would about as lief see on his Premises, or have any intercourse with, as with the Father of Evil, cloven-footed **BEELZEBUB** himself. The Land Surveyor (the Measurer and Mapper of the Land) is now regarded only as *the menial*, *the harbinger*, and *the drudge*, of the *Rent-Appraiser*. In our times, the Measuring and Mapping of a Farm has been but the fore-token of the Farmer's *OUSTER*. The presence of the Land-Measurer at the Farm-house has been but the prelude of a *NOTICE TO QUIT*. The papers on

Stanhope's Hoggston Property in Buckinghamshire, for his Lordship's Grandfather. This Property contained 1467 Acres—for the Measuring and Mapping of which my Father charged *Sixpence* per Acre, and also for his *board and lodging, his travelling expenses, a man to attend him during the taking of the Survey, &c.*, in addition to the charge of *Sixpence* per Acre. The total charge for this Survey was £43. 4s., which was therefore after the rate of *Seven-pence* per Acre.

I was taught Land-surveying by the Son and Successor of the Mr. Hogben who taught my Father. When I was with Mr. Hogben (36 years ago),* it was his practice to charge for Measuring and Mapping by the Acre, *FREE* of all other expenses to his Employers; and his terms were on a scale from One Shilling per Acre for Property exceeding One Hundred Acres, down to *Seven-pence* per Acre, according to the *extent* of the Land to be surveyed; but *Seven-pence* per Acre was his lowest charge for Measuring and Mapping Land when I was with him in the year 1791, however great the extent of the Survey. Here is a printed Card of Mr. Hogben's terms of charge at that time.† It appears by this Card that Mr. Hogben's price for Measuring and Mapping Land of the same extent as the Property

his station-staves set up on the Premises are so many *posted advertisements* of

THIS FARM TO BE LET TO THE HIGHEST BIDDER;

or otherwise, when a preference is to be given to the *old Tenant*, it is by an offer of this only alternative—a *raised* and *RUINOUS RENT* or *RUINOUS EXPULSION*.

* Now 39 years ago, this Address having been written in 1827, expecting the Arbitration to take place at that time. See p. 4.

† HOGBEN,

LAND SURVEYOR, AND AGENT IN LANDED PROPERTY,

At Boughton, near Faversham, Kent,

Surveys and Maps Estates on the following Terms, clear of every other Expense (Vellum excepted):

From 100 to 200 Acres, 12d. an Acre	From 600 to 1000 Acres, 8d. an Acre
From 200 to 600 ditto, 9d. ditto	And all above 1000, 7d. an Acre
Copying Plans, 3d. an Acre.	

All Estates less than 100 Acres, laying out or dividing of Lands, making

which is the subject of the present Inquiry, was *Eight-pence* per Acre.—Here is also a printed Card of the terms of the late Mr. Bowles, a Land Surveyor formerly at Staplehurst in this County, and who had been Apprentice to Mr. Hogben.* By this Card it appears that Mr. Bowles charged *Nine-pence* per Acre for Measuring and Mapping plain Lands, and a Shilling per Acre for Wood Lands. Mr. Bowles's charge is therefore one Penny per Acre higher than Mr. Hogben's charge, besides an extra charge of *Three-pence* per Acre for Wood Land. But I have good reason to believe that these Prices of Mr. Bowles's are *exactly the same* as Mr. Hogben charged when Mr. Bowles was with him, and that after Mr. Bowles had left him, Mr. Hogben lowered his price. This charge, however, of Mr. Hogben's was a *lower* price than the Work could be afforded at, for a Surveyor to live by his employment. But Mr. Hogben was a *Land Agent* as well as a Land Surveyor, and it was expedient to follow the Measuring and Mapping of Estates as connected with his *Agency* business. Mr. Hogben (as his Father before had been) was, by far, the most Patronized Surveyor of this County in his day, yet he grew not *rich*. *Rich!*—rare must be the instance of a Land Surveyor

Catalogues of Trees, and the Valuation of Land and Timber, are done by the day.

☞ Proprietors of Estates to find a man (*gratis*) who will give his attendance during the Survey, and point out such particulars as are necessary to form a correct Map.

* * *
 ROBERT BOWLES,
Land Surveyor,
 AT STAPLEHURST, NEAR MAIDSTONE,
 KENT,
 (Late Apprentice to Mr. HENRY HOGBEN,)

Surveys and Maps Estates on the following Terms, clear of all other Expenses :—Every Estate consisting of 200 Acres and upwards of plain Lands, *Nine-pence* yer Acre. Woodlands, One Shilling per Acre. All Estates less than 200 Acres, laying out or dividing Lands, making Catalogues of Trees, Descriptive Plans, &c., are done by the day.

Note—These Cards would have been produced if the proposed Arbitration had taken place.

who ever could lay by enough out of the profits of his Calling to keep him from *want* when he became past work. Even Mr. Hogben, notwithstanding he was a *Land Agent* as well as a Land Surveyor, and although he was highly respected for his ability and integrity in his Profession and for his gentlemanly deportment, could not lay by from the profits of his Callings a competency for his support in the decline of life.

Here is a letter written to me in the year 1793 by a Mr. Fulljames, at that time a Land Surveyor at Orpington in this County: it was written in answer to a letter which I addressed to him to inquire his terms for Surveying. I made this inquiry with a view that our Charges might be alike, as we were both residing in the same neighbourhood.*

By this letter it appears that Mr. Fulljames's charge was *Ninepence* per Acre for Measuring and Mapping Property to the extent of 4000 Acres. These documents, therefore, shew what were the terms for Measuring and Mapping Land charged by those three contemporary Kentish Surveyors *nearly 40 years ago*; one of whom resided in the *eastern* part of the County, another in the *western* part, and the third in the *weald*. And as their Terms were nearly the same, I am entitled to assume that these charges for Measuring and Mapping Land *nearly forty years ago, were not more than a fair price at that time*; and the fair question, therefore, here at issue between Earl Stanhope and myself on my *rate* of Charge is this, *whether or not I have*

* "Some time since I surveyed a Parish for a Gentleman of this County. I charged Sixpence [per Acre]. The Parish contained more than *Three Thousand Acres*, but I boarded at the Gentleman's house, and of course was at *no expense whatever*. I likewise surveyed upwards of *Four Thousand Acres* for another Gentleman of this County: the Estate lay very much detached, and each Farm was Mapped on a separate skiu: I charged *Nine-pence* per Acre."—*Mr. Fulljames's Letter*, Nov. 4, 1793.

This letter would have been produced had the proposed Arbitration taken place. Mr. Fulljames says, "The Estate lay very much detached;" but it is to be observed that this charge of Nine-pence per Acre was for Measuring and Mapping *Farming Land*, not such land as *Chevening Park*; and also that the Property surveyed consisted of *Four Thousand Acres*. Mr. Fulljames's charge, therefore, was not below Mr. Hogben's.

charged his Lordship a higher advance of price for my Work than the advance in the prices of the necessary articles of life which has taken place since that period will justify. Here is a bill for Flour* bought at Earl Stanhope's Mill in this parish, February 1st, 1792, and the price charged for it is *Thirty-four Shillings per Sack*. In June in the same year the price of Flour was lower. Here is the Maidstone Journal for June 5th, 1792, which shews that the highest price of Flour in the London Market at that time was only *Thirty Shillings per Sack*: whereas in June 1817, at the time the Work in question was doing for Earl Stanhope, the price of Flour in this neighbourhood was *One Hundred and Twenty Shillings per Sack*, just FOUR times the price it was in June 1792.—Here is a Butcher's bill which shews the retail price of Butcher's Meat here in 1793 was *Four-pence halfpenny per lb.* Here is another bill which shews the retail price of Butcher's Meat in 1817 was *Seven-pence halfpenny per lb.* Here is a Maltster's bill which shews the retail price of Malt here in 1790 was *Five Shillings and three halfpence per Bushel*. Here is another bill for Malt which shews the retail price of Malt here in 1817 was *Twelve Shillings and Sixpence per bushel*. In the year 1792, when Mr. Hogben was charging *Eight-pence per Acre*, and Mr. Bowles and Mr. Fulljames *Nine-pence per Acre* for Measuring and Mapping Lands of as large extent as the Property now under your consideration, the retail price of the Quartern Loaf in this neighbourhood, of the best bread, was only *Five-pence*.† In 1817, at the time this work was doing for Earl Stanhope, the retail price of the Quartern Loaf was *One Shilling and Seven-pence halfpenny*. At the one period the retail price of the best Flour was only *Ten-pence per gallon*, at the other it was *Three Shillings and Three half-pence per gallon*. The cost of *one gallon of Flour*, in June 1817, when this work was doing for Earl Stanhope, would have paid for

* Documents in proof of all the several statements here made about the prices of Flour, &c., would have been produced to the Referees and to Earl Stanhope, if the proposed Arbitration had taken place.

† I remember this fact, and I have a bill and receipt by me in proof of it. The bill is for bread bought by a relative of mine of Mr. Edward Martyr, a Baker at Sevenoaks, and who is living there at this time.

TWO gallons of Flour, and nearly FOUR pounds of Beef in addition, at the prices of Flour and Beef here in the year 1792. If, therefore, *Eight-pence per Acre* was the *lowest living-price* for correctly Measuring and Mapping Land in Kent, in the year 1792, *how could it be "unreasonable and exorbitant"* to charge for Measuring and Mapping Land in 1817, *not quite double** the price which was charged by Surveyors in 1792? Whatever Earl Stanhope may have been informed about Estates having been "*accurately and neatly Mapped for Six-pence per Acre*," (see page 34,) the fair question at issue between us is this, *What was a fair price for Measuring and Mapping Chevening Park in 1817?* If Earl Stanhope has been persuaded that such Land as Chevening Park, consisting of Alpine hills and deep and winding vales, of hanging and winding woods and plantations, could be accurately Measured and Mapped for *Six-pence per Acre*, when the price of Flour was *SIX POUNDS per Sack*, and the price of Malt *Twelve Shillings and Six-pence per Bushel*, and that the Surveyor could *live* by such employment, his Lordship must first have been made to believe that Land can be Measured and Mapped by magic, or that Surveyors are privileged to board with the Chameleon.†

* In 1792, Mr. Hogben charged *Eight-pence per Acre*; In 1817, I charged Earl Stanhope *Sixteen-pence per Acre*, but my charge included the drawing of an *extra Map* of Chevening Park, &c., containing seven hundred Acres.

† If your Lordship was no better remunerated for your Surveyorship of *Green Wax*, when you were Lord Mahon, than a Land Surveyor would be for Measuring and Mapping Chevening Park for "*Six-pence per Acre*," when the price of Flour was *SIX POUNDS per sack*, and the price of Malt *Twelve Shillings and Six-pence per bushel*, it must have been a fortunate circumstance for your Lordship that you had not to look to the emoluments of your Surveyorship *alone* for your bread; * for even with all your Lordship's economy, and *few as your Lordship had to provide for*,† you would have been too hard put to it to make both ends meet. By the way, I wonder whether your Lordship's pay for your *Wax* Surveyorship was going on

* Or if the pay was inadequate to the service, *possibly* a small subsidiary appointment or *two* might be held with the Surveyorship of *Green Wax* by way of helping out.

† Two children only.

The rate of charges for Surveying, as well as in other lines of calling, is doubtless influenced, in some measure, by the proportion between the demand for the service and the supply of practitioners; but whatever may be the superabundance of candidates for employment in any line of calling, it is obvious that the amount of *remuneration for the service* must pay the cost of the *subsistence of the labourer in it*, or the employment cannot be continued. For the same reason of *necessity*, therefore, namely, the advance in the prices of the necessary articles of subsistence, the rate of charges, and the wages of labour in other employments, as well as in Surveying, have been advanced, and in as great a proportion within the same period as my advance is in the price of Surveying.

Here is a Carpenter's bill* for work which was done for my Father in this parish in the year 1785, and which shews that the wages of a Carpenter at that date were *Two Shillings* per day. Here is another bill for Carpenter's work, but which was done for me in this parish in 1818, and which shews that the wages of a Carpenter were then *Four Shillings* per day. Here is a Bricklayer's bill for work done in this parish for my Father in the year 1785, which shews that the wages of a Bricklayer were then *Two Shillings* per day. Here is another bill for Bricklayer's work, but which was done for me in this parish in 1816, and which shews that the wages of a Bricklayer were then *Three Shillings and Ten-pence* per day. These instances are but a fair sample of the general advance which had necessarily taken place in the wages of artizans, and the like may be truly averred of the charges for work in other callings. In short, it is too well known to admit of any controversy, that long

here when you were residing in Germany, where, as we are credibly informed, *Sixpences* go a great way farther than they will go at Chevening. If that was the case, it is fit your Lordship should know that a *Land Surveyor* has no such privilege as a Surveyor of *Green Wax* has, for as he could not live in England himself by Measuring and Mapping such Land as Chevening Park for "*Sixpence per Acre*," so neither could he at such a price afford to pay a Deputy to live here and do the work for him.

* All bills here referred to would have been produced if the proposed Arbitration had taken place.

previous to the year 1817, when this Surveying was done for Earl Stanhope, the *rate* of pay in employments in general had been *doubled*, to meet, in some measure, the increased cost of food, and of the other necessities of life, since the year 1792, when, as I have herein shewn, *Eight-pence* per acre was the *competition* price in this county for Measuring and Mapping Land.

On the depression in the prices of agricultural productions, which took place after the year 1817, Earl Stanhope most promptly entered the lists, both in Parliament and out of Parliament, on the subject of "*Remunerating Prices*" *to the Occupiers of Land*.* In his Lordship's several publications on the Corn and the Currency Questions, after demonstrating, over and over again, that corn cannot be afforded cheap unless it can be grown cheap, his Lordship observes, "It is undoubtedly true, that corn cannot continue to be cultivated except it bear a remunerating price."† And in discussing this subject his Lordship has laid it down as a rule, "that unless a *due proportion* exist between the prices at which an article is sold, and the charges to which that article is subject, between the receipts and the necessary expenditure, *it is impossible that any individual can subsist*, or continue to make the payments which are required from him."‡

But what Earl Stanhope considers "*a due proportion*" of *advance* in the price of an article on account of an *advance* in the

* Proposed Address to his Majesty on the Distress of the Country. By Philip Henry Earl Stanhope. 1821. Simpkin and Marshall.

A Letter from Earl Stanhope on the Corn Laws. 1826. J. Ridgway.

A Letter from Earl Stanhope on the proposed Alteration of the Corn Laws. 1827. J. Ridgway.

See also Earl Stanhope's Speech on the Opening of Parliament, February 4, 1823; and the same speech repeated by his Lordship on the Opening of Parliament, February 4, 1830. See also the rest of his Lordship's *printed Speeches*, delivered in the interim, whether in Parliament or any where else.

† Proposed Address to His Majesty on the Distress of the Country, p. 39. 1821.

‡ A Letter on the Corn Laws, p. 42. 1826.

cost of its production, which is the subject of my immediate argument, I do not know that his Lordship has any where expressly stated, but I can give examples of his Lordship's practice in this matter. Here are two books, *both* of which were published by J. Ridgway, Bookseller, London. They are *both* of the same size, 8vo., and each contains *exactly* the same number of pages—viz. 30.

The price of the one book when it was published—*Nine-pence*.

The price of the other when it was published—*Two Shillings*.

But, moreover, the book charged *Nine-pence* contains much the greater quantity of matter; the book charged *Two Shillings* being in a larger type. The book charged *Nine-pence* was published in the year 1795, and is the work of the late Learned and Reverend Jeremiah Joyce, who at that time was Tutor to the present Earl Stanhope: it is dated *Chevening House*,* January 15, 1795. The book charged *Two Shillings* is the work of the present Earl Stanhope *himself*; it is dated Chevening, March 24, 1827.†

Here is another of Earl Stanhope's Publications; it is dated Chevening, November 10, 1826; (8vo.) price *Two Shillings and Six-pence*,‡ which, although it contains some more pages than Mr. Joyce's book, yet the type being larger than it is in his, Mr. Joyce's book charged *Nine-pence* contains a greater quantity of matter than his Lordship's book, charged *Two Shillings and Six-pence*, which is greater than *three times* the price of Mr. Joyce's book. Although your Lordship was but just turned of *fourteen* years of age when Mr. Joyce published that work, yet you, no doubt, knew at the time, and may be able to call to mind now, that Mr. Joyce pub-

* An Account of Mr. Joyce's Arrest for "Treasonable Practices; his Examination before his Majesty's Most Honourable Privy Council; his Commitment to the Tower, and subsequent Treatment. Together with Remarks on the Speeches of Mr. Windham, &c. By Jeremiah Joyce, Twenty-three Weeks a close Prisoner in the Tower. London: printed for the Author, and sold by J. Ridgway, York Street. 1795. Price Nine-pence.

† A Letter from Earl Stanhope on the proposed Alteration of the Corn Laws. 1827. J. Ridgway.

‡ A Letter from Earl Stanhope on the Corn Laws. 1826. J. Ridgway.

lished such a work,* although your Lordship may not recollect the price which he charged for it.

This advance, however, which has taken place in the price of books since the year 1791, (when, as I have herein shewn, *Eight-pence per Acre* was a *competition* price for Measuring and Mapping Land in this County,) is in a *higher* proportion than my advance on the price for Measuring and Mapping Land according to the charges contained in my bill to his Lordship. *This advance on the price of Books, compared to my advance on the price of Measuring and Mapping Land, is in a higher ratio than that of three to two in your Lordship's favour.* Earl Stanhope's Publications shew that his Lordship has devoted much attention to the prices of provisions and agricultural productions at different periods of history. I wonder whether his Lordship knows what was the price of Hay, in this neighbourhood, forty years ago, at the time when *Eight-pence per Acre* was the competition price for Measuring and Mapping Land in this county. I happen to have by me an old Newspaper, the Maidstone Journal for March 22, 1791, by which it appears that the

* "On Wednesday, [14th May, 1794,] about eight o'clock in the morning while I was conversing with LORD MAHON and his two brothers, Mr. KING, the Under Secretary of State, and Mr. Ross, one of his Majesty's Messengers, were introduced to me, as having some private business to communicate. When the young gentlemen had left the room, Mr. Ross produced a warrant against me for "*Treasonable Practices*," by which he was authorized to seize my person, and all books and papers connected with the "*Society for Constitutional Information*," and the "*London Corresponding Society*." He demanded my keys, and after having searched my pockets and bed-chamber, Mr. KING and himself selected from my drawers and book-case whatsoever they pleased." Here follows an account of Mr. Joyce's first examination before the PRIVY COUNCIL—and then at p. 9 as follows: "On Thursday I was again ordered to attend at the Council Chamber, where I waited nearly six hours without any further hearing. Friday, Saturday, Sunday, and part of Monday, I spent at Mr. Ross's, during which time no friend but my sister was permitted to see me. *I signified an earnest desire that I might be indulged with the sight of LORD MAHON and his brother, concluding from their tender age, that no objection could have been made; in this I was mistaken,*" &c. &c.—MR. JOYCE'S Account, &c., pp. 3, 9.

highest price of Meadow Hay at Whitechapel Market, the 19th of that Month, was *Three Pounds Six Shillings* per Load ; this was the very year when I had of Mr. Hogben the above quoted Card of his Terms for Surveying.

To compare with this price of Meadow Hay in 1791, here is a bill * for Meadow Hay, which I had of Earl Stanhope for my horse in 1818, and the price charged for it is *Eight Pounds* per Load, instead of *Three Pounds Six Shillings*, which was the *highest* price of Meadow Hay in Whitechapel Market, the 19th March, 1791. So that the price of Meadow Hay had advanced in a much higher proportion since 1791, than I had advanced my price for Surveying.

It was on the first of September, 1818, that Earl Stanhope refused to pay my bill, alleging as the cause of his refusal that I had charged too high a price for my work, and yet his Lordship, just after making this *accusation*, namely, on the twenty-second of the same month, charged me at the rate of *Eight Pounds* per Load for Meadow Hay for my horse. I do not know that Earl Stanhope charged a higher price for Hay than any one else charged in this neighbourhood, but I do say, that from the *facts which I have here proved*, Earl Stanhope has accused me WITHOUT CAUSE of charging him an "*unreasonable and exorbitant*" price for my work.

Whether these proofs will "*alter Earl Stanhope's opinion upon the point,*" (see p. 34,) I do not know ; but if they will not, I can have no hope that any thing will. There are, indeed, persons who would not allow the workman to have any voice in setting the price which he ought to be paid for his work, and who would fain see the Inferior orders of the community in as complete vassalage to the Superior as they were in the times of *Feudal barbarism*. We all know that *poverty is weakness*, and that *dependance is bondage*. We all know that to depress the Inferior, is to increase the ascendancy of the Superior ; that, if a Rich man deals as hard as he can, whether he buys or sells, it may be the way to increase his Riches and the Glory of his House. It is the way to keep the widest distinction between the Great and the Small. But it is the way to have no Middle Class in a

* This bill, and the Maidstone Journal above-mentioned, would have been produced if the proposed Arbitration had taken place.

community ; it is the way to have but two sorts of people, Tyrants and Slaves. There are still persons whose notions of *good government* are in accordance with the tyrannical policy of ancient English law-makers, whose bare-faced injustice put *good* and *bad* workmen upon a level, by making laws to fix the prices of labour, on pain of imprisonment to the Workman who should charge, and of fine and imprisonment to the Employer who should pay, a higher price for work than the statute prescribed.* But this law is too palpably iniquitous to be put in force at the *present day*. In our times, reciprocal rights being better understood by *those* who tug at the oar, relative duties are more conscientiously observed by *those* who guide the helm. The hand of Despotism does not now press so hard as in *times past* ; in numerous instances its gripe is softened, and in some of *paramount* importance Despotism has quitted its hold. It is but a few ages ago that every Englishman of *common rank* was subject to grievous punishment for having a Bible in his possession !† but in *our days*,‡ in England, the RICH distribute Bibles amongst the POOR

* By the Statute 5 Eliz. *Ten days'* imprisonment *without bail*, and a penalty of Five pounds (a heavy fine in those days) to be paid by the *Employer* who should give, and *Twenty-one days'* imprisonment to the *Employed* who should take, "any more or greater wages, or other commodity," than by law appointed. See BURN'S *Justice*, Vol. IV. pp. 165, 166, ed. 1793.

† KING HENRY V. and his Parliament made a Law, "that *whosoever* they were that should read the Scriptures in their mother tongue, they should forfeit land, cattle, body, life, and goods, from their heirs for ever, and be condemned for heretics to God, enemies to the crown, and most errant traitors to the land." TOWNLEY.

And in the year 1543, it was enacted by KING HENRY VIII. and his Parliament, "that no women (except noblewomen and gentlewomen, who might read to themselves alone, and not to others) nor artificers, 'prentices, journeymen, servingmen, husbandmen, nor labourers, were to read the Bible or New Testament, in English, *to himself* or to any others, *privately nor openly*, upon pain of one month's imprisonment."

‡ "Contrite. They are much more moderate now than formerly. You know how *Christian* and *Faithful* were used at our town ; but of late they have been far more moderate. I think the blood of *Faithful* lieth a load upon them, for since they burned him they have been ashamed to burn any

gratis. Earl Stanhope himself has, I believe, once and again presided at a Bible Meeting,* and texts of Scripture are of frequent occurrence in his Lordship's Publications.† I was early taught to reverence the Bible, and to look for satisfaction in my conduct towards other persons only as I adhered to the rules of social duty which the Bible enjoins.

In all our dealings with each other the Bible supplies us with precepts for our guide, and with this master-rule for a standard and touchstone on every occasion of life, "DO UNTO OTHERS AS YOU WOULD BE DONE BY." The Bible not only supplies us with rule for doing our duty, but when we have done our duty, it equips us with *invincible armour* to defend our conduct.‡ It both furnish

more: *in those days we were afraid to walk the street; but now we can show our heads.*"—JOHN BUNYAN, *Pilgrim's Progress*, Part II.

" Oh! could I worship aught beneath the skies
That earth has seen or fancy can devise,
Thine altar, sacred Liberty! should stand
Built by no mercenary, vulgar hand."

* * * * *

" My soul should yield thee willing thanks and praise
For the chief blessings of my fairest days;
But that were sacrilege—praise is not thine,
But His who gave thee, and preserves thee mine."

* * * * *

" We feel thy force, still active at this hour,
Enjoy immunity from priestly power;
While conscience, happier than in ancient years,
Owns no superior but the God she fears."

COWPER's *Poem on Charity*.

* At HIGH WYCOMB, I think, when he was *Lord Mahon*, and at SEVEN-OAKS, since he has been *Earl Stanhope*.

† A Proposed Address to his Majesty on the Distress of the Country, 1821, pp. 20, 48; A Letter on the Corn Laws, 1826, p. 41.

‡ " Be ye angry and sin not."—Ephes. iv. 26.

" The discretion of a man deferreth his answer."—Prov. xix. 11.

" Prepare what to say, and so thou shalt be heard; bind up instruction, and then make answer."—Ecclus. xxxiii. 4.

means and inspires *courage*; it teaches both how to resent an injury and how to reclaim the aggressor, if he be reclaimable—if his mind be not evidence-proof and his conscience seared—if he be not callous to shame and remorse. In moral conduct the Bible knows *no* distinction of persons, of High and Low. The Bible tells the Poor to be just and fear not. The Bible tells the Rich that the Poor are made of the same earth* as themselves, and the way in which the Bible teaches this doctrine leads a portion of the Rich to *act upon it*. The Bible tells both Rich and Poor of an *after-reckoning*, that a day will come when every cause shall have a rehearing at a Tribunal where *Money* will NOT interfere with *Judgment*, where a man will NOT be judged “according to his honour.”

Dr. Paley, in speaking of the benefit of the general diffusion of this knowledge, observes, “By the mild diffusion of its light and influence, the minds of men are insensibly prepared to perceive and correct the enormities which folly or wickedness or accident has introduced into *public establishments*.”† Through the diffusion of this light amongst the *community*, Despotism is doomed to its downfall—the *ferocity of ancient Legislation* is put to shame, and brought to a *sense of justice*.‡ The law of *commercial intercourse* presents a striking example.

In the reign of QUEEN ELIZABETH it was the law of THIS land, that if an Englishman took or sent a sheep to a market across the English Channel, he should *forfeit his goods, and be*

* “Let me not, I pray you, accept any man’s person;
Neither let me give flattering titles unto man.
For I know not to give flattering titles.
The Spirit of God hath made me,
And the breath of the Almighty hath given me life.
I also am formed out of the clay.”

JOB xxxii. 21, 22; xxxiii. 4, 6.

† Moral Philosophy, Book iii. Part ii. chap. iii.

‡ “In this way the Greek and Roman *slavery*, and since these the *feudal tyranny*, has declined before it. And we trust that, as the knowledge and authority of the same religion advance in the world, they will banish what remains of this odious institution.”—*Ib.*

imprisoned for a year, and at the end have his left hand cut off and nailed up in a market town.* This diabolical law, if not yet repealed, has, for some time been superseded by a succession of statutes of a *less* barbarous character. In the reign of *Geo. III.* the penalty for the exportation of a sheep or a lamb was *only* £3, and three months' imprisonment in gaol, without bail, and forfeiture of the vessel on board of which such sheep or lamb was taken.† To

* OWLING, so called from its being usually carried on in the night, which is the offence of transporting wool or sheep out of this kingdom to the detriment of its staple manufacture. This was forbidden at common law. "There are now *many* statutes relating to this offence, the most *USEFUL* and principal of which are those enacted in the reign of Queen Elizabeth and since."—"The statute of 8 Eliz. c. iii. makes the transportation of live sheep, or embarking them on board any ship, for the *first* offence, forfeiture of goods and imprisonment for a year, and at the end of the year the left hand shall be cut off in some public market, and shall be there nailed up in the openest place; and the second offence is *felony*."—BLACKSTONE'S COMMENTARIES, Vol. IV. p. 154, Ed. 1793.

† "Every person so offending, his aiders and abettors knowing thereof, shall, on conviction, forfeit 3*l.* for EVERY sheep or lamb, and shall also suffer solitary imprisonment in the gaol or house of correction for three calendar months, *without bail*;"—"and for every subsequent offence, 5*l.* for EVERY such sheep or lamb, and a like imprisonment for six calendar months."

This Law was made in the seventeenth year of the reign of GEORGE THE THIRD, and by the 28th of the same, is continued to the 24th of June, One Thousand Seven Hundred and Ninety-two! (See BURN'S *Justice*, IV. pp. 452, &c., ed. 1793.) "Every person who shall export out of the kingdom any *wool* or woollen articles, slightly made up, so as easily to be reduced to *wool* again, or any FULLERS' EARTH or TOBACCO-PIPE CLAY; and every carrier, ship-owner, mariner, or other person, who shall knowingly assist in exporting, or in attempting to export, these articles, shall forfeit 3*s.* for every pound weight, or the sum of £50 in the whole, at the election of the prosecutor, and shall also suffer solitary imprisonment for three months."—BLACKSTONE'S *Comm. ibid.* note by the Editor, *Edward Christian, Esq.*

So then the first on the list of the *most useful* statutes forbidding the "transportation" of a *sheep*, enacts, that the offender shall, for the *first* offence, forfeit his goods, and be imprisoned for a year, and at the end of the year have his left hand cut off in some public market, and shall be there

mention another instance. In the reign of Charles II., *the exportation of a fleece of wool was felony*. In a subsequent reign, the penalty of death was taken away, but the offender was still made subject to the forfeiture of his goods, and to other penalties.*

But, thanks for the diffusion of knowledge and the liberal policy of our times, an Englishman may now, with little or no hindrance, take his lambs, and his wool, and his talents, to the best market he can find.†

nailed up in the openest place; and the second offence is felony.—And the penalty for *attempting* to export *one pound* of tobacco-pipe clay, (because tobacco-pipe clay looks like fullers' earth, and fullers' earth might therefore be exported under that name and pretence,) the penalty for such *attempt* is £50 and three months' *solitary* imprisonment; and this latter law was made *so recently* as the year 1788.

These are specimens of the *prohibitive* system of politics with a vengeance!

* Commentaries IV. p. 154, edited by Edward Christian, Esq., 1793; see also Burn's Justice, IV. pp. 452, &c., ed. 1793.

† Earl Stanhope has quoted an instance which very lately occurred of "*a Farmer in Kent*" who considers this freedom to export wool of no benefit. A considerable time after I had written the above remarks, on the ancient English laws against the exportation of sheep and wool, "*A Committee of the House of Lords* was appointed to take into consideration the state of the British Wool Trade," of which *Committee Earl Stanhope was a member*, and his Lordship afterwards published two pamphlets upon the subject. One is "*A Letter*," which his Lordship addressed "*to the Owners and Occupiers of Sheep Farms*," dated Chevening, July 26, 1828. The other is "*An Abstract of the Evidence taken before the Committee on the Subject*." The Evidence at full length, it appears, contained 599 pages folio. "*I have prepared and published*," says his Lordship, "*a full, and, to the best of my belief, an impartial abstract of that evidence, and classed it under several heads*. It appeared the more requisite to form such an abstract, because even those who had the time and the patience to read such a voluminous mass of evidence might not otherwise have been able to collect easily, and to class correctly, those scattered fragments of valuable matter which lie, as it were, buried under a mountain, I will not say of rubbish, but of statements which are either unimportant or irrelevant."—*A Letter to the Owners and Occupiers of Sheep Farms, from Earl Stanhope*, pp. 1, 2. 1828. J. Ridgway.

This task must have cost his Lordship a great deal of labour and pa-

A Land-measurer may now receive for his work as high a price as his Employer is willing to pay, and his Employer may pay him as high a price as he thinks the work is worth, without subjecting either of the parties to the pains and penalties of *confiscation or imprisonment*.

It is now left for the employer, and the candidate for employment, to make their *own* terms, just as they can agree between themselves. The employer has only to consider the price that is asked, and the service that will be rendered, and whether he can better himself. And the candidate for employment has only to consider what price he can afford to work for, and whether the price he can get will pay him for his labour, and whether he can better himself. With regard to price, that price which an article can be afforded for, so as to yield to the producer a fair living profit, suitable to his calling, is the lowest *natural* price of the article. But the price which the article will *fetch* when offered for sale, is the *actual* price of the article. Hence it follows, that through a competition amongst persons engaged in the same calling, articles are often to be bought below the lowest natural or living price; because it often happens that many persons who follow the same calling are obliged to part with their commodity, whether they can get a living price for it or not. It is the same with the Land-measurer; his labour is his commodity, and, like the husbandman, his labour is the only commodity he has

tience. At p. 29 in this Letter is quoted the evidence of "*a Farmer in Kent*," who says that he "*considers of no benefit whatever the permission to export wool*."

At page 17 his Lordship says, "According to the statements of some of the Witnesses, the *tastes* of the people of England have lately undergone an alteration which is even as marvellous as that of the *Wool* of England, and which can be attributed only to that '*March of Intellect*' of which we have heard so much." If the permission to export wool be now of no benefit, as ("*a Farmer in Kent considers*"), it should seem that the "*tastes of the people of*" some other Countries as well as of England have undergone a marvellous alteration too, since the enactment of those satanical statutes. Query, whether this marvellous alteration in the tastes of the people of those other countries can be also attributed only to the "*March of Intellect*"!

to sell; and like him, too, he must work for what price he can get, be that price what it may.

It is true we live in Times of Freedom, and of *Liberal* Legislation: but a change of Times can be, to the *Mass* of a Community, but an exchange of Evil in one shape for Evil in another shape. In matters of Legislation and of Polity, it is *well* when a change which puts an end to one Evil, gives birth only to a *LESS* Evil than its Predecessor. We live in Times when Competition amongst Candidates for employment has superseded compulsion to labour for a Statute price of remuneration.

But we live in Times of universal *Rivalry*; when, in every *Calling*, every effort is made, and every device practised by Competitors, from imperative necessity, to supplant each other, until Competition is carried to the length of *starvation*. We live in Times when, on every occasion of Trust, Imposition is not scrupled, where it can be attempted with any promise of success; in which every article of Commerce is deteriorated or counterfeited to tempt Customers and Employers by a fair *exterior* and a *low price*. In such times as these, then, does Earl Stanhope expect to have correct Maps at the *competition price*? Can his Lordship require to be informed that, however beneficial it may be to Employers that there be Competition between Candidates for employment, yet that Competition has its limit, which, when exceeded, Competition operates the contrary way? Need his Lordship to be told that Necessity is the mother of *Imposition* as well as of *Improvement*; that if Competition inspires Genius, it may also extinguish Principle? It should be remembered that those who have been *bred* to a *Calling* will think themselves entitled to *live* by their *Calling*,* and that those who must under-

* "Inasmuch as a righteous life presupposeth life; inasmuch as to live virtuously, it is impossible except we live; therefore the first impediment which naturally we endeavour to remove is *penury*, and want of things without which we cannot live."—HOOKER, *Ecc. Pol.* Book i. § x.

Again, "Men are but men, what room [station] soever amongst men they hold. If, therefore, the measure of their worldly abilities be beneath that proportion which their *calling* doth make to be looked for at their

charge their Competitors to get Employment, must slight their Work to afford to undercharge. But I am shifting my course of appeal, and am addressing Arguments to his Lordship's *Interest*, before I have concluded what I had to say to his *Justice*. I shall, therefore, for the present, defer what I have further to offer on the score of his Lordship's *Interest*, and resume my appeal to his *Justice*.

It has been indisputably proved that the prices of the necessary articles of life had been advanced in a *higher* proportion since 1791, than I had advanced my price for Surveying, and also that the rate of pay for labour in Employments in general had been advanced in *quite* as high a proportion as my advance on the price of Surveying.

On what plea then can it be pretended that Land-measurers had not as good a title to advance their charges in as high a proportion? Is it that their Employers could not as well afford to pay them that they might live? Had not the *Rents of Land* been advanced in as *high* a proportion as my advance in the price of Surveying? Is not the contrary notorious? In a debate in the House of Lords, July 16, 1822, the late Earl of Liverpool, then Prime Minister, in a reply to the Earl of Carnarvon, put the following questions: "Had the noble Earl never heard of the *rise of rents* during the war? Did he know that from papers upon the table of the House it appeared that the *rents of England during the late war had doubled themselves, nay, according to the best authorities, had nearly trebled themselves?*"—*BELL'S Weekly Messenger*, July 21, 1822.

I will ask Earl Stanhope if the *RENTS* of his Estates have not been advanced since the commencement of the late War? As one of his Lordship's objections to paying my bill for Surveying is, that my rate of charge is too high, it is a fair question for me to ask, if his Lordship has not raised his *Rents*? My Lord, if the proposed Arbitration had taken place, I should have called upon your Lordship to produce the *RENT ROLLS* of your *ENGLISH ESTATES* from the year 1791 unto the present time, that it might be seen by a comparison of the *Rents* paid to the late Earl Stanhope at that date

hands, a stronger inducement it is than perhaps men are aware of *unto evil and corrupt dealings* for supply of that defect."—Book vii. § xxiv.

with the *present* Rents, whether there has not been an *advance* of the Rental of your Estates since the year 1791, at which time, as I have herein proved, *Eight-pence* per acre was the competition price in this County for Measuring and Mapping Land.

The causes of the *rise* and *fall* in the prices of Agricultural Produce, and by consequence, *the rise and fall of the Rent of Land*, is a subject to which your Lordship has *long* devoted arduous attention.*

So long ago as the year 1821, your Lordship published "*A Proposed Address to HIS MAJESTY on the Distress of the Country*," in which your Lordship, speaking of the forlorn state of Agricultural Pursuits, informs HIS MAJESTY, that "the body politic" is in such *unnatural and disordered state*"—"that in some cases Lands have been deserted and remain uncultivated; that the Landlord who lately received from them a portion of his Income, cannot now let them at *even a nominal Rent*; that the Tenant who derived from them a comfortable subsistence, finds that the Rent cannot be paid from their produce, but *must be paid from his capital*, and abandons their occupation; and that the Labourers who were supported by their cultivation are now deprived of Employment and reduced to pauperism."†

When HIS MAJESTY read in your Lordship's Proposed Address, that Tenants had deserted their Farms, and that the Land remained uncultivated, and that Landlords cannot now let their Farms, *even at a nominal Rent*, and that Tenants are paying their Rent, *not from the produce of their farms, but from their capital*, I wonder if HIS MAJESTY thought that these statements had any reference to any of your Lordship's *own* Lands and Tenants, or only to the Lands and Tenants of *other* Landowners; because *subsequently* to the date of your Lordship's said "*Proposed Address to HIS MAJESTY*," it was the current report of this neighbourhood, that your Lordship had recently been to visit your *extensive* Property in Derbyshire, and had very considerably *raised* the Rents of your Tenantry there; and some short time after this, I was *credibly*

* See Note at p. 77.

† See "*Proposed Address*," &c., p. 11.

informed it had been stated in an Exeter Newspaper, that Earl Stanhope had been visiting his Tenantry in the neighbourhood of Holsworthy, and had raised their Rents *some of them more than double*. What! said I to myself, has Earl Stanhope been raising his Rents, and *some of them more than double*, at a time when, according to his Lordship's own declarations in his "*Proposed Address to HIS MAJESTY*," Tenants are paying their Rents, not from the produce of their Farms, but *from their capital*? Surely his Lordship is the *last* person that should have complained of my advancing the price of Measuring and Mapping Land to *not quite double* the price that was paid to Surveyors *forty years ago*, although the price of bread at the time the work in question was doing for his Lordship was *nearly quadrupled*!

I have no local knowledge of your Lordship's Estates in any part of England but Kent. But from what I have heard of your having *raised the Rents of your Farms in Kent*, if the proposed Arbitration had taken place, I should have *inquired* if your Lordship could turn to *ONE* Farm in your *Rent Roll* among your *thousands of acres of Property* in the Parishes of Chevening, Sundridge, Brasted, Nockholt, and Cudham; if your Lordship could point out *ONE* Farm which you have *not* raised the Rent of since the date of your *Proposed Address to HIS MAJESTY* on the Distress of the Country, 1821.

I should have asked your Lordship if you had raised the Rents of Chipsted Moat Farm, Chipsted Mill Farm, Turvins Farm, Brasted Park Farm, Brasted Courtlodge Farm, Brasted Hill Farm, Sundridge Hill Farm, Overy Green Farm, Cudham Lodge Farm, &c. — whether among all these Farms there is *ONE* which you have not raised the Rent of since the year 1821? My Lord, it is my *firm belief* that your Lordship must have answered in the *affirmative*, and that your Rent Rolls would have proved, that *since* the date of your Lordship's "*Proposed Address to HIS MAJESTY* on the Distress of the Country, 1821," *you have raised the Rent of every one of your Farms in Kent*. But if this be *actually the case*, it may be asked, How is it that, if "the Body Politic" is in such "unnatural and disordered state," — "that in some cases Lands have been deserted and remain uncultivated; that the Landlord who lately received from them a portion

of his Income cannot now let them *at even a nominal rent*; that the Tenant who derived from them a comfortable subsistence, finds that the Rent cannot be paid from their produce, but *must be paid from his Capital*,—how is it, it may be asked, and it may be wondered at, that all your Lordship's Tenants are *content to hold on*, if you have advanced their Rents? This is a fit question to be put to any one who shall accuse (if any one shall accuse) your Lordship of requiring "*exorbitant*" Rents. But in stating my belief that your Lordship has advanced, and *still continues the advance*, on the Rents of your Farms, notwithstanding your declaration in your "*Proposed Address to his MAJESTY on the Distress of the Country, 1821*," that the Rent cannot be paid from the *produce* of the farm, but must be paid *from the farmer's Capital*; and in despite of what I have repeatedly read to the same purpose in the Newspaper Reports of your Speeches in Parliament,* let it not be thence inferred that I am asserting your Lordship requires *exorbitant* Rents. I am not a Land Valuer—I am not a Rent Appraiser; my object is not to *re-criminate* on my Accuser, but to *vindicate* myself. I am ready to

* "*My noble Friend near me (Malmesbury) has told your Lordships with great truth, that the Capital of the Tenants is rapidly reducing.*"—Substance of the Speech of EARL STANHOPE in the HOUSE OF LORDS, on the second reading of the *Corn Bill*, June 13, 1828.—*FARMER'S Journal*, July 28, 1828.

In your *Lordship's Speech* in the HOUSE OF LORDS, February 25, of the present year 1830—"the Rents which were still paid in some parts of the Country, for they were by no means paid in all parts of it, were paid, *not* from the profits of the farm, but *from the capital of the farmer.*"—"Let not such of their Lordships as had been fortunate enough to receive their Rents at their last audit lay the flattering unction to their *souls* that they would be equally fortunate at their next."—"They must be aware that already had many tenants been driven from their farms and consigned to *bankruptcy and beggary*, and that the *capital of others was daily extorted* from them to meet their current expenses."—*Maidstone Journal*, March 2, 1830.

In your *Lordship's Speech* in the HOUSE OF LORDS, March 25 of the present year 1830, "His Noble Friend (Camden) said, that the distress of the Country was not general, because Rents continued to be paid, and tenants were not dispossessed; but his Noble Friend must know that *those Farmers* who paid their Rents *do so out of their Capital.*"—*Ibid.* March 28, 1830.

admit that your Lordship does not require higher Rents from your Tenants than what you are satisfied in your *own* mind you ought to require "*in justice to yourself*." But on what ground it is that your Lordship satisfies your *own* mind that it is *justice towards your Tenants* to advance, and to *keep up the advance*, on your Rents, after declaring in Print, in the face of *the whole community*, that Rent is not paid from the produce of the Farm, but *from the Farmer's Capital*; on what ground it is that your Lordship and your Tenants can expect they shall be able to continue to pay the advanced Rents under such discouraging prospects; how it is that all your Lordship's Tenants remain so quiet and content, that *not a murmur is heard among them*, whilst the Tenants of so many other great Land-owners are *all in an uproar* to have their Rents lowered;—*these*, my Lord, are *Riddles* which I must confess I am hitherto unable to solve. But, happily, their solution is not essential to my *vindication*, for the *depression* in the prices of Agricultural Produce of which you complain, and even the *cause* whence such depression originated, is referred in your Lordship's "Proposed Address to his Majesty," and in the *report* of your Speech in Parliament, Feb. 4th, 1823, to a *date subsequent* * to the *Transaction* which is the subject here in question between us, namely, *since* the year 1817, when the price of Flour was SIX pounds per Sack, and the price of Malt Twelve Shillings and Sixpence per Bushel. (See p. 74.)

THUS, having *vindicated* my rate of charge to Earl Stanhope by stating herein the prices of Measuring and Mapping Land charged

* In your Lordship's "Proposed Address to his MAJESTY, &c., 1821," at p. 15, you date "*the commencement of the present distress*" in the year 1819; and in your Speech in the House of Lords, Feb. 4, 1823, (quoted in Mr. COBBETT's *Weekly Register* of May 3, 1823,) you say,

"Your Lordships see that while the prices of Agricultural Produce have fallen *fifty* per cent., the prices of several articles of commerce have fallen above *thirty-five* per cent.," &c. "What, therefore," asks your Lordship, "is the cause that all those articles have so much fallen in price?" &c. "I maintain," says your Lordship, "a conclusive, logical argument, that it must proceed"—"from an alteration in the value of the money in which those articles are bought and sold." And in conclusion your Lordship says, "This shews to what amount the *currency* was depreciated in 1819."

by Kentish Land Surveyors about *forty* years ago, and by proving that the advance in the price for Surveying according to my charge to Earl Stanhope, in 1817, is *not* in a higher proportion than the advance of Wages in other Employments in general at the same period, on account of the advance in the prices which had previously taken place in the necessary articles of subsistence, I should now proceed to state what I had prepared to submit to the Referees and to your Lordship, in vindication of my *rate* of charge to you, on the ground of an IMPLIED AGREEMENT: namely, that as you had set me to *work* without making any inquiry about my terms of charge, that after you had got your work done to your satisfaction, and had received my Bill for it ^{and kept it} so long as eleven months unnoticed, you had then no right to object to pay me a Price which was even below my customary charge to *my other Employers*, and which they were content to pay me. But before I proceed to discuss the justice of my rate of charge on the ground of an IMPLIED AGREEMENT, I have some observations to offer to your Lordship on your notion of the *moral obligation* to fulfil a SPECIFIC AGREEMENT. Just as I was about to print this sheet, a Newspaper came into my hand containing a short report of Lord Goderich's Speech in the HOUSE OF LORDS, on the 6th of the present month (May), on the subject of the *National Debt*. His Lordship's Speech (according to this Report of it) contained the following observations: "It has been said, that it had become nearly impossible for the country to go on under such a grievous burthen, and that it was both *unreasonable and unjust* to preserve faith with the *public creditor*."—"That, unhappily, opinions were prevalent with regard to the *national debt and its operations*, that induced people to look upon it as an *intolerable nuisance*, which it would be *almost praiseworthy to lay violent hands on*," and that "these opinions were *widely diffused*." The Maidstone Journal of the 11th instant, contains an extract from your Lordship's Speech in reply to Lord Goderich, of which the following is a part: "With respect to an *EQUITABLE ADJUSTMENT*, he (Earl Stanhope) was a *decided friend* to that Measure, and he must *deny* that he had ever said *such an adjustment* would be *inequitable*, though he knew that such expressions had been attributed to him. On the contrary,

he thought that it would be an **EQUITABLE ADJUSTMENT** to all *intentions and purposes*, and it was for that reason that he contended in favour of it."

Your Lordship has been for many years past unceasing in your endeavours, both in Parliament and out of Parliament, to convince the King, the Senate, and the Community, of the justice and the necessity of keeping up high prices of Agricultural Produce, or of the Legislature making Laws to compel Creditors, both *private and public*, to come to *poundage* with their Debtors for all Debts contracted *previous* to the taking place of *Mr. Peel's Bill* on the Currency in 1819.* (See p. 77.)

* "The distress and danger of the Country has advanced by rapid strides since the resumption of Cash Payments."—"A Proposed Address to HIS MAJESTY," p. 30, 1821.

"A reduction in the *nominal amount* of the Dividends is requisite, not only from considerations of justice towards the Nation, but also for the security of the Capital."—*Ibid.* p. 36.

"If the Dividends should *not be diminished*, it will, we are persuaded, be found *impracticable* to pay them," &c.—*Ibid.* p. 37.

"It is only by such measures, by an alteration, in the *proportion to the change in the currency, of the payments that are made upon contracts*, by a **REDUCTION of the Public Burthens**, and by a just *assessment* of all those *burthens upon Capital, however invested*, that the country can hope to escape from the evils which it now suffers, and from the still greater evils with which it is threatened."—*Ibid.* p. 38.

"Corn cannot continue to be cultivated except it bears a remunerating price; but that remunerating price may be very low if the Taxes and other payments are reduced, and *ought to be very high* if those Taxes and Payments remain at their present amount."—*Ibid.* p. 39.

"The present distress arises from the disproportion which now exists between the *present prices of produce* and the *present amount of taxes*, and it is, as appears to me, a clear and undeniable proposition that such disproportion can be removed only by *increasing* those prices, or by *diminishing* those taxes."—"I would have stated in what manner the return to Cash payments had increased the heavy burthen of the taxes, and rendered in all cases difficult, and in some cases impracticable, the execution of *private contracts*."—"Above all, I would have recommended *that taxes and other payments* should be *reduced* in the same proportion as the value of the Cur-

In your Lordship's "Proposed Address to HIS MAJESTY," 1821, you say, "The pressure of Taxation has become still more severe from the increase which has taken place in the value of the currency in consequence of the measures adopted for that purpose in 1819." P. 15.

Again, "We submit to your *Majesty* that if the Resumption of Cash Payments was necessary for the welfare of the State, we must also consider as necessary all the *just and legitimate* consequences of that measure. To us it appears that a *just and legitimate* consequence of altering the Currency is, that Payments made upon *Contracts* concluded *antecedent* to that period [1819], should so far be *varied* as to remain the *same in value*, though *not* the same in *nominal amount*. As this has not been done, *great injustice* and great injury must, we conceive, arise both to the State and to its Subjects from the execution of the measure, which has considerably increased the *real*, though not the *nominal*, amount of Payments that are made by one and by the other."—P. 30.

Again, "We humbly recommend to your *Majesty*, in order to rectify such injury and injustice, that the *nominal* amount of Payments made upon *Contracts* concluded *antecedent* to the alteration of the Currency [1819], should by the *authority of Parliament* be so far *VARIED*, that their *real* value might remain the same, or in other words, that such Payments should be made according to the value which *the Currency* possessed at the periods when those *Contracts* were formed. If your *Majesty* will refer to an Act (chap. 19) which was passed in the third Parliament of James III. of Scotland, and in the year 1467, and which is intituled 'THE MANNER OF DEBTS AND CONTRACTS PAYING,' you will find that a similar measure was then adopted."—"The *measure* which we recommend, while it is just towards the Debtor, cannot be considered as unfair by the Creditor, who would receive the same '*Substance and Value*,' or '*the same sums in Substance*,' and he has no right to receive more." Again, "We contend that the Creditor cannot justly claim,

rency has been increased."—Address from *Earl Stanhope* to the "*Freeholders* of the County of Kent," dated Chevening, Dec. 20, 1821. See the *Maldstone Journal*, Dec. 25, 1821.

and ought not therefore to receive, a greater amount in *Value* for the PRINCIPAL of a Debt than that which was *originally* borrowed, or for the INTEREST of a Debt than that which was *originally* paid. We contend also that this rule, which is *founded in immutable justice*, applies both to PUBLIC and to PRIVATE Debts, and ought to be adopted with respect to the transactions of *Government* as well as to those of *Individuals*."—Pp. 32—34.

"The Resumption of Cash Payments, which has increased by ONE-THIRD, if not in a greater proportion, the tremendous burthen of the Debt that existed in 1813, and diminished the means of supporting it, tends to hasten that catastrophe, upon the probability or improbability of which we are unwilling to descant."*—Pp. 25, 26.

This DOCTRINE that the "*nominal amount*" of payments made upon former Contracts should be so far varied that the *real value* might remain the same, so that the Creditor shall *not* receive a greater amount in value for the *Principal* of a Debt than that which was *originally* borrowed, or for the *Interest* of a Debt than that which was *originally* paid,—this doctrine, if I rightly apprehend your Lordship's meaning, is "*in substance*" the same as Mr. Cobbett's doctrine in his "*REDUCTION NO ROBBERY*," published June 20, 1822, and addressed to "*The FREEHOLDERS of the County of KENT, on their Petition for the Reduction of the Interest of the Debt.*" "I shall endeavour to shew, Gentlemen," says Mr. Cobbett, "*both the justice and the necessity of a Reduction of the Interest of the Debt.*"—P. 9.

"The object of our inquiry," says he, "is, whether the *Jews* do not now receive a larger interest than they ought to receive." (P. 16.) "Those who lent the Government MONEY during the second period, lent it about a bushel and three quarters of WHEAT under the name

* "The only remedy was to reduce the public burthen to the same amount as the value of the currency had been raised. For that purpose the *Interest of the National Debt must be reduced FORTY or FIFTY per cent.*: and if any such proposition was made, he (Earl Stanhope) should be ready to contend that the measure was a *just one*, and involved no breach of public faith."—*Earl Stanhope's Speech in the House of Lords: from the STAR, February 22, 1822.*

of a POUND. If any persons had to lend it MONEY now, they would have to lend it about *four bushels and a quarter* of WHEAT under the name of a POUND. Consequently, if we had to pay off the *Jews*, and if the Government were to insist upon our paying off in the *present* money, we should have to give those who lent the six hundred millions *four bushels and a quarter of wheat* for every *bushel and three quarters* that they lent! And this is what they call national faith and honour! This is the monstrous iniquity for protesting against which, for endeavouring to procure a mitigation of which, your own Member, and I may say your own *Members*,* ~~have~~ had the confidence to charge you with incurring the just repro-
bation of all honest men." (P. 17.)

"We are told that they have a *law* for it, and that it was a *bargain* made with them. And these words *law* and *bargain*, and *sacred contract*, and good faith, and national honour, and the like, are rung upon as ringers ring changes upon bells. But to come to plain common sense and sincerity—was a bargain ever made with these people to give them *four bushels and a quarter* of wheat for a *bushel and three quarters*? If it were so, why do they not, as Mr. Lockhart says, shew us the Act of Parliament for it?" (P. 19.)

*And even then, as to their having a *law* for it, there are many ~~laws~~ about many things, but we know well that nothing in the shape of *law* may not be altered or repealed.† We have seen laws enough,

* "I may say your own *Members*." Mr. Cobbett has marked the plural by Italics, as worthy of particular attention: he should have put *honest "Members"*—Sir Edward Knatchbull, Bart., and William Honeywood, Esq., although differing in Politics—both *true* Kentish Men—honest in Principle—both, like your Lordship's Noble Friends, *Darnley and Camden*, sound at the core.

† "We have heard the observation that the Funds are by Law exempt from Taxation. Were that the case, the Property Tax could never have been imposed. The Capital which has been invested in the Funds is indeed exempt from any Taxes which are *now* imposed, but *not* from those which *may hereafter* be imposed; for it was never yet imagined that Parliament, which, for the benefit of the people, possesses the most extensive powers, had not the right to alter and amend, as it very frequently does, any *Laws* that it

and of much more ancient standing than those laws about the Debt, and about ten times more sacred, not only suspended but set aside; but these laws about the *Jews* are, they would have us believe, like those of the Medes and Persians, which change not. You do not propose by your Petition that any thing should be done *without law*; on the contrary, you *pray for a law*, and yet there are people to call you robbers and plunderers, because you want a law to prevent you from giving any longer four bushels and a quarter of wheat for a bushel and three quarters."—*Reduction no Robbery*, pp. 19, 20.

How Mr. Cobbett came to take it into his head to say, that the National Creditors lent the Nation "*a bushel and a half of WHEAT*," and that the Parties agreed that this same "*WHEAT*" should be named "*a POUND*" in *their contract*, must be attributed to Mr. Cobbett's *ingenuity*, and that he reckoned on the political PRINCIPLES of his readers being too nearly of his own stamp, to inquire into the reality of the discovery; *for as to the matter of fact*, Mr. Cobbett might just as correctly have averred that the National Creditors lent the Nation a specific quantity of PIT-COAL or PIG-IRON, and that the parties agreed that the same should be named "*a POUND*" in their *Contract*. Yet it certainly appears to me, that your Lordship's *exposition* of the *Contract* between the Nation and its Creditors, in respect to *truth* and *equity*, is just upon a *par* with Mr. Cobbett's Measure of "*REDUCTION NO ROBBERY*," and that his Measure of "*EQUITABLE ADJUSTMENT*" is but the *Counterpart* of your Lordship's Measure of "*THE MANNER OF DEBTS AND CONTRACTS PAYING*."

Your Lordship apprized his *Majesty* that you were indebted to "an Act which was passed in the third Parliament of James III. of Scotland, in the year 1467," for your proposed Measure of "*The Manner of Debts and Contracts Paying*;" but Mr. Cobbett *insists* upon it that the Measure of "*Adjustment of Contracts*" is *all his own*. In his *Address* to Mr. Coke, published in the "*WEEKLY REGISTER*," May 3, 1823, he most peremptorily asserts his claim

had made, or to impose such equal and equitable Taxes as are necessary for the public welfare."—"Proposed Address to his Majesty on the Distress of the Country," p. 44. 1821.

as follows : " Mr. Coke presented a Petition (to the House of Commons, 24th April, 1823), from the Hundreds of Langton and North Beloe and Rother, complaining of Agricultural Distress, praying for relief, &c., &c. He" (Mr. Coke) " said he agreed with his Honourable Friend, (Michael Angelo !) the Member for Durham, that Mr. Cobbett was the *greatest enemy* of all *rational reform*."—*Weekly Register*, p. 259.

Mr. Cobbett then proceeds to combat this assertion, and endeavours to shew that it is not Mr. Cobbett, but Mr. Coke, who is the enemy to *rational reform*. " Great mischief" (says he) " have you assisted to do to the Landlords and Farmers, and this too in order to gratify your own spite against me. Never can the Land be *relieved* except by the means that *I have suggested* ; and you have set your face against those means, *merely because they were suggested by me*. Astonishing folly ! Why then I can say that the Land, if the other Landlords be like you, shall not be relieved, for resolved I am that the *Measures suggested by me* shall never be adopted **WITHOUT MY CLAIMING THEM**. A wise Landlord, instead of echoing the slanders which the *Jews'* and *Jobbers'* Press was heaping upon me, would have done all in his power to uphold me against that infamous press. *Mine* was the only efficient pen in England, with the exception of that of Mr. Atwood, which had dared to move in defence of the land and the labour ; and you must needs do your utmost to destroy the effect of my efforts. You knew well the envy, the malice, the base personal and private motives that were setting the Stock-jobbing press in motion ; and in the indulgence of your own spite (and spite for nothing too) you seconded that press." " You set the example, too, to the *Jolterheads in Herefordshire*. They followed you full cry in joining the Stock-jobbing press *against me*. They, like you, made an attempt at a distinction : they wanted the *Debt reduced*, but they wanted to *disclaim me*. Ah ! that would not do." " They imagined that they could disclaim *me*, and at the same time enforce *my principles*. Sad mistake of the Jolterheads !" " **MY NAME was identified with REDUCTION OF DEBT, and an ADJUSTMENT OF CONTRACTS.**" " The Stock-jobbing press was in its glory ! It had got *Lords* and big *'Squires* to join its foul-mouthed cry against

'COBBETT;' but those Lords and big 'Squires did not reflect that in crying against 'Cobbett' they cried against all effectual relief. They, for the sake of representing me as a *rogue*, sanctioned the assertion of the Stock-jobbing press, that it was *roguish* to propose to lower the Debt, or to ADJUST CONTRACTS."—"Smythies said at HEREFORD they would not let the *Doctrine* pass if it came from me. They soon found, however, that the *Nation* did not understand this distinction, and that it looked upon the condemnation of the *apostle* to be a condemnation of the *doctrine*. The public said to you and Smythies, and all such people, 'Oh, no! you shall not separate the *doctrine* from the *preacher*. If you will insist that the doctrine is *roguish* when it comes from COBBETT, it shall be *roguish* when it comes from YOU.'"—"Thus have you done your best to prevent effectual relief; and in all human probability the thing will now go on, until every acre be transferred, except the owner be a *tax-eater*. And will you injure me? Not at all. I am one of those who need care nothing about the matter. Whatever I do care, must be for others, and not for myself. If you want an object of abuse, quit me and go to EARL STANHOPE. I insert his *Speech*, which I have got for the very purpose. Answer HIM, abuse him, revile him, call him *revolutionist*, and all sorts of names. Put your pen to paper, and let the Nation see what you can say to LORD STANHOPE."

It was by inserting this Speech in the "WEEKLY REGISTER" that Mr. Cobbett introduced your Lordship to Mr. Coke as a brother EQUALIZING ADJUSTER. How surprised Mr. Cobbett must have been to find that he had such a *coadjutor*! Noble and Rich, and an old-fashioned Tory to boot!* *What a triumph to Mr. Cobbett was your Lordship's accession "TO THE CAUSE!"* How over-joyed was he to find he had such an *adept at disputation* for his *helpmate*! How *vehemently* and *exultingly* did he challenge Mr. Coke to answer you! Your Lordship is by birthright a Member of the COLLECTIVE WIS-

* "I am, as you well know, one of those *old-fashioned* TORIES who wish that all Rights may be respected, all Property may be secured, and that ancient Institutions may be preserved." A Letter from EARL STANHOPE on the proposed Alteration of the Corn Laws, p. 29. *Chevening*, March 24, 1827. J. Ridgway, London.

DOM of the Empire. *Political Conflict* is your *Vocation* and your *Element*. Born and bred up for the *Arena* of the SENATE; educated under *Mr. Pitt* to combat a host of OLD STAGERS, all nuzzled and trained from their *leading-strings* for this especial purpose, to *Argue*, and *never to be out-argued*; to assail, and *never* to recede; to *overthrow* the opinions of others, and to *fortify* and to *establish* their own.

“ Fix’d to *one side*, like Homer’s gods they fight,
Those always *wrong*, and *These* for ever *right*.”

“ Those that are *up* themselves keep others *lowe*,
Those that are *lowe* themselves hold others hard,
Not suffer them to rise or greater growe,
But *every one* does strive his fellow down to throwe.”

For this was their *Political Creed*—that Questions of National Policy are Questions of the conflicting Interests of different Parties; that in a National Assembly the *Neutrals* amongst its Members, being *without concert*, must ever be the *weaker* part; that a Member of the Legislature who regards his own convictions of the merits of the Question under consideration as his only rule in giving his vote, will thereby occasionally oppose *all* Parties, and, consequently, will be admitted to the confidence of *none*; and, that if neither Party can *claim* him, neither Party will *own* him, wherefore he can reckon only on *being condemned by both*.

“ ’Tis just the same in Arms or Laws,
You must have Friends to back your cause.”

“ Stick to your Friends, then, in whatsoe’er you say,
With strong aversion shun the middle way;
The middle way the best we sometimes call,
But ’tis in Politics no way at all;
A Trimmer’s what both Parties turn to sport,
By Country hated, and despised by Court.”

In Political Conflict, who ever knew your Lordship to *recede*?
When did you ever sound a retreat?

And in a Private Affair, *who* ever withstood you and came off Victor? The Sons of Vulcan proved themselves no match for your Lordship, and the Tribe of Triptolemus were laid *flat* as the trampled stubble in their own fields. Your Lordship is accustomed

to triumph. A succession of Victories has, as a matter of course, inspired confidence, and your Lordship's resources are exhaustless. It is from the superabundance of your stores that your Booksellers equip your Antagonists with such *trusty* Armour, both offensive and defensive, against yourself. My Lord, I am speaking *figuratively*, not of *missiles* and *harness* for the *corporeal* Man, but of *intellectual* equipments,—not of bows and pikes, and leathern shields and shirts of mail, but of habiliments made without awls or anvils,—not of tomahawks and tainted bolts and barbs, but of weapons which wing their way where no pike nor arrow ever reached;* of *unerring*

* "Wisdom is better than weapons of war." Eccles. ix. 18.

"A man acts suitably to his nature," says Sir Thomas More, "when he conquers his enemy in such a way, *as that no other creature but a man could be capable of*, and that is by the strength of his understanding. Beasts, Lions, Wolves, and Dogs, and all other animals, employ their bodily force one against another, in which, as many of them are superior to men both in strength and fierceness, so they are all subdued by reason and understanding."—*The Best State of a Commonwealth*, Ed. 1808, p. 163.

What two IRRATIONALS were the *Duke of Wellington* and the *Earl of Winchilsea* to attempt to settle their *Difference* on the subject of the *Catholic Question* by a conflict with *Leaden Pellets*, when the *merits* of the question could be known only by an appeal to *Facts* and *Arguments*! and if that course failed, why could not the *Parties* cast lots which should have the *last word*, and then hold their tongues on the subject for ever afterward, as well before as after such a conflict? To end such a *Controversy* by *Leaden Pellets* was quite as *inconsiderate* in them as if they had cast lots which of the two should swallow an ounce of Arsenic, or drown himself in a Cesspool.

If the Earl of Winchilsea had *fallen*, what ought the Duke of Wellington in *Honour* to have done?—*After having, in defiance of the vengeance of HEAVEN*, equipped his brother Peer DIRECT FOR PERDITION, he ought, in *honour*, to have taken the dying man by the hand and exclaimed, "Oh, what a cruel necessity! O my brave and noble Friend, what would I not have given short of my own soul rather than this should have happened! *Alas, my brother!*"—Out upon such foolery!—*What a Curse is HONOUR!* Look at the *example* of such "*Cities set on a hill*."† On the next murder

† "The mean man's actions, be they good or evil, they reach not far, they are not greatly inquired into, except, perhaps, by such as dwell at the next door: whereas men of more ample dignity are as cities on the tops of hills, their lives are viewed afar off."—HOOKE'S *Ecclesiastical Polity*, Book vii. § xviii.

Maxims and holy Dicts, of "*Trite and true sayings*," and *Texts against yourself*. Again and again, my Lord, have they stuck up in their shop-windows for sale, with your Lordship's name appended, "*The tree is judged of by its fruits*," and "*Facts are stubborn things*." (Your Lordship's *Proposed Address to HIS MAJESTY*, p. 48, 1821: *Simpkin and Marshall*, London. Also your *Letter on*

of one of His MAJESTY's subjects in a DUEL, the Duke of Wellington and the Earl of Winchelsea ought to put on sackcloth and ashes, and go to Court and do penance before the King. But what are the *Bishops* about to blench such doings? "*Or have the Doctors of the Church their colourable pretexts wherewith to blanch over these errors*?"* Some say the Bishops have too great power.—I say NO; for pity it is that such good men are not more independent, that they might reprove *great folk* as well as *little ones*.† So many good men have been Bishops, I venerate the name. I well remember one—one of the best, and who, during the latter part of his life, resided in this neighbourhood, the highly revered and truly exemplary Bishop Porteus.

Whoever will admit that *Nobles* stand in need of *Monitors*, must admit the necessity of a *Dignified Clergy*.‡ "*Wisdom is better than strength; nevertheless the poor man's Wisdom is despised, and his words are not heard*." A few years ago, when the late Bishop Goodenough was appointed to preach before the HOUSE OF LORDS, the following appropriate lines were written upon the occasion:

" 'Tis well enough that *Goodenough*,
Before the Lords should preach,
For sure enough, they're bad enough,
He undertakes to teach."—ANON.

* Bishop Sanderson's Sermons.

† "It is a long time sithence any *Great* one has felt the edge of that Ecclesiastical severity which *sometimes* held Lords and Dukes in a more religious awe than now the meanest are able to be kept."—HOOKER'S *Ecclesiastical Polity*, Book vii. § xxiv. Vol. II. p. 366, *Dobson's* Edition, 1825.

‡ "Devotion and the feeling sense of Religion *are not usual* in the noblest, wisest, and chiefest personages of the State, by reason their *wits* are so much employed *another way*, and their minds so seldom conversant in heavenly things. If, therefore, wherein themselves are defective, they see Bishops do blessedly excel; it frameth secretly their hearts to a *stooping* kind of disposition clean opposite to contempt."—HOOKER'S *Ecclesiastical Polity*, Book vii. § xxiv. Vol. II. p. 367, *Dobson's* Edition, 1825.

"It will be haply said, 'That the *highest* might learn to stoop and not disdain the advice of some circumspect, wise, and virtuous Minister of God, albeit the Ministry were not by such *degrees* distinguished.' " (Ibid. pp. 333, 334.)

"Let inexperienced *wits* imagine what pleaseth them, in having to deal with

the CORN LAWS, p. 41, 1826: *J. Ridgway*, London. Also your *Letter to the Owners and Occupiers of Sheep Farms*, pp. 3, 17, 1828: *J. Ridgway*, London.)

"FACTS," says your Lordship, "*are stubborn things.*" My Lord, nothing else but my confidence in the *inflexibility* of such Armour could ever have inspired a hope of being able

so great *personages*, these personal differences are so necessary that there must be regard had of them." (P. 334.)

"For we are not to dream in this case of any *platform* which bringeth equally high and low unto *Parish Churches*, nor of any *constraint* to *maintain* at their own charge men *sufficient* for that purpose: the one [constraint] so repugnant to the *majesty* and greatness of English Nobility: the other [the maintainance of *Monitors for Themselves* at their own charge] so *improbable* and *unlikely* to take effect, that they which mention either or both, seem not indeed to have conceived *what either is.*" (P. 132.)

"They are, by the state of Nobility, *great*; but not *thereby* made inclinable to good things." (P. 335.)

"Whosoever Sovereign Rulers are willing to admit these so necessary private conferences for their spiritual and *ghostly* good, inasmuch as they do for the time, while they take advice, *grant a kind of Superiority* unto them of whom they receive it, albeit haply they can be contented even so far to *bend* to the gravest and *chiefest* persons in the Order of God's Clergy, yet *this*, of the *very best*, being *rarely* and *hardly* obtained, now that there are *whose* greater and higher callings do somewhat more proportion them unto *ample* conceit and *spirit* wherewith the minds of so Powerful Persons are possessed." (P. 334.)

"As well for the cherishing of those virtues, therefore, wherein, if Nobility *chance* to flourish, they are both an ornament and a stay to the Commonwealth wherein they live; as also for the binding of those disorders which, if they loosely run into, they are, by reason of their greatness, dangerous; what help could there have been invented more divine, than the sorting of the Clergy into such degrees, that the chiefest of the Prelacy *matched* in a kind of *equal* yoke, as it were, with the higher, the next with the lower degree of Nobility, the *reverend* Authority of the one might be to the other as a *courteous* bridle, a mean to keep them *lovingly* in awe that are exorbitant, and to correct such excesses in them as whereunto their *courage*, *state*, and *dignity*, make them *OVER PRONE*?" (P. 335.)

"*Sith*, therefore, by the Fathers and first Founders of this Commonwealth it hath, *upon great experience and forecast*, being judged for the good of ALL SORTS, that as the whole Body Politic, wherein we live, should be for strength's sake a *three-fold cable*, consisting of the King as a supreme Head over all, of Peers and Nobles under him, and the People under them; so likewise that, in this conjunction of States, the *second wreath* of that Cable should, for important respects, consist as well of Lords *Spiritual* as Temporal. Nobility and Prelacy being by this means twined together, how can it possibly be avoided, but that the tearing away of the *one* must needs *exceedingly weaken the other*, and by consequence impair greatly the good of all? The force of which *detriment* there is no doubt but that the *common sort of men* would feel to their *helpless* *wo*, how goodly a thing soever they now surmise it to be that themselves and their godly Teachers did all alone without controlment of their Prelate." (P. 336.)

"Let the People be asked who are the *chiefest* in any kind of calling? who

to repulse and to discomfit such an Assailant as your Lordship. "Strive not with a Mighty man, lest thou fall into his hands."—"Be not at variance with a Rich man, lest he *overweigh* thee." (Eccles. viii. 1, 2.) Riches procure favour and the aid of Allies, *and paralyze the arm of the Friend of an Adversary*. I am but an obscure Individual; in this Contention with your Lordship I have neither Coadjutor nor Adviser; I have no inducement to hold out to any one to interest himself in my favour; no one of *Note* has any thing to hope or any thing to fear from pleasing or offending me. I have nothing to trust to but the rectitude of my conduct to obtain regard from any one. Unconnected and uncounselled, I have nothing on my side but "*stubborn Facts*" and the justice of *my Cause*, to oppose to your Lordship's superior talents and acquirements, your tactics and prowess, and the influence of your Rank and Wealth, pitted against me.

But to return to the subject immediately in hand, viz. the Reduction most to be listened unto? who of greatest account and reputation? and see if the very discourse of their minds lead them not unto those sensible marks, according to the difference whereof they give their suitable judgment, esteeming them the worthiest persons who carry the principal note and public mark of worthiness." (P. 339.)

"Those Clergy whose place and calling is lower know by their own experience the manifold, intolerable contempts and indignities which faithful Pastors, *intermingled with the multitude*, are constrained every day to suffer in the exercise of their spiritual charge and functions; unless their superiors, taking their causes *even to heart*, be, by a kind of sympathy, drawn to relieve and aid them in their virtuous proceedings no less effectually than loving parents their dear children." (P. 337.)

"For which causes we must needs think it a thing necessary unto the common good of the Church, that, great jurisdiction being granted to Bishops over others, a *state of wealth* proportionable should likewise be provided for them. Where *wealth* is had in so great admiration as generally in this *golden age* it is, that *without it* angelical perfections are not able to deliver from *extreme* contempt; surely to make Bishops poorer than they are, were to make them of less account and estimation than they should be." (P. 371.)

"Men are but men, what room [station] soever amongst men they hold." (Ibid.)

"It is not the mere goodness of the *Charge*, and the divine acceptation thereof, that will be able to invite many thereunto; what shall become of that Commonwealth or Church in the end, which hath not the eye of *Learning* to beautify, guide, and direct it? At the length, what shall become of that *learning* which hath not wherewith any more to encourage her industrious followers?" "Surely wheresoever this wicked intentment of overthrowing Cathedral Churches, or of taking away those Livings, Lands, and Possessions, which Bishops hitherto have enjoyed, shall once prevail, the handmaids attending thereupon will be *Paganism* and *extreme Barbarity*." (P. 372.)

tion of the *nominal amount* of Debts and Contracts. In Mr. Cobett's "WEEKLY REGISTER" (above quoted), "the report of your Lordship's Speech in the HOUSE OF LORDS, Feb. 4, 1823, contains the following passage: "The reduction of the DIVIDENDS, which is *imperiously* required by the safety of the Country, is *strictly conformable to justice*, in consequence of the alteration of the *Currency* in which they are paid." "I wish," says your Lordship, "that the question between the NATION and its CREDITORS could be argued as between two private individuals before my Noble and Learned Friend upon the Woolsack, whom I venerate as a most wise and learned as well as a most honest and upright magistrate.* His

* "THAT'S MY GOOD THAT DOES ME GOOD," says the *Queen* of all proverbs. "That is a good bridge to him which bears the man safe over." Your Lordship's noble and learned Friend on the Woolsack bore you *adju* through when you took your Father into Chancery.† If your noble and learned friend on the Woolsack, if *John Lord Eldon* then pronounced on your side against your Father, there is not a man in England but would say, that *John Lord Eldon*, in his conscience, considered the *Law of the Land* in your Lordship's favour. This is being an "upright" Judge; it is not for a Judge to *make Law*, but *faithfully to administer it*. I never saw Lord Eldon, but I know his universal character, and that his most hostile Assailants never affect to impugn his *integrity*. So few folk, however, go into Chancery for Redress and come out again Redressed, or who are not *bankrupt* before they can get out, that it required a good heart to go there, or strong confidence indeed that your noble and learned Friend on the Woolsack was your "friend indeed and indeed," as Dr. John Eachard would have said, or how could you hope ever to get out again? Your Father's Work on "the RIGHTS OF JURIES," must have told you what sort of *despatch* is the usual practice in a *Chancery Suit*. "Are Chancery Suits,"

† "By this time," [soon after the year 1800,] says the Biographer of the late Earl Stanhope, "all his family had withdrawn from him in order to take refuge with their uncle, Mr. Pitt, [Mr. Pitt was not your Lordship's uncle,] and Earl Stanhope was left by himself in a wide world without children and without domestic comfort."—"Some of his children procured pensions, the idea of which was particularly disagreeable, as he panted after independence both for himself and his relatives."—"It also unfortunately occurred that his eldest Son, Lord Mahon, filed a Bill against his Father relative to certain real or pretended waste committed on the entailed estates. On this occasion, the Earl himself appeared in court, filled with indignation, and stoutly contended that he had conducted himself on that, and on all similar occasions, with the utmost care, prudence, and propriety."—*Annual Biography*, Vol. I. p. 221, 1817.

virtues and talents render him an ornament to this *House* and to the *Country*, and even to the age in which we live. Though he is in-

says his Lordship, "concluded in days? No, nor in months neither. Suits in Chancery often last (as the Trial of Mr. Hastings upon Impeachment has lasted) *for years*, and they sometimes last from *generation to generation*. My family," says he, "had a suit depending in the Court of Chancery in Ireland, which (considering it was a Chancery Suit) was tolerably soon ended; for it lasted only about *two and forty years*. *All the parties died* before it was ended; in fact, it never did come to a conclusion by any Order or Decree of the Court; for though it had continued for upwards of *forty years*, it ended at last by a *Compromise*. This is what is emphatically termed *Chancery Despatch*."

"This reminds me," adds his Lordship, "of a humorous expression of a relation of mine, the late *Earl of Chesterfield*, who happened to be in company with a gentleman who mentioned that he had lately bought a *Spanish Horse*, which was so unruly, that he over-leaped every fence about his grounds; and the gentleman said in a joke, that he believed he should be obliged to build a wall round the Horse to keep him within bounds; but that for the present, he had ordered his groom to put him in his *Court*. 'I would advise you to do better,' says Lord Chesterfield; 'put him in the *Court of Chancery*, and I will warrant you he will never get out.'"—Pp. 108, 109.

When your Father published this Work in the year 1792, little did he think that he should be put into the Court of Chancery himself in *about ten years afterward*. But what would he then have thought if he could have known who would put him in there! and that he should never be put out again until he was put into his Sepulchre!

I have said, "If Lord Eldon pronounced on your side against your Father—that Lord Eldon '*considered*' the Law of the Land in your Lordship's favour." I said "*considered*," for in what Case, hardly, is any Judge "*competent*" to pronounce with certainty what the Law on it is. It is related of the late Earl Stanhope, your Father, that "wishing to ascertain how far the Judges were agreed as to what was the Law on several particulars, put to them various questions. His Lordship asked whether a person digging the brick-earth from his own field, there manufactured into bricks and sold, thereby made himself a trader liable to the bankrupt laws? The Judges of the Common Pleas were clearly of opinion *one way*, the Judges of the King's Bench were as clear *the other*." Again, "Lord Thurlow was reputed a most admirable common Lawyer, but he was worsted on one

clined, from those conscientious feelings which are so honourable to him, to pause and hesitate and doubt, I am convinced that upon such

occasion in a dispute which he had with the late Earl Stanhope on the subject of a Statute."—Lord Stanhope proving to be right and *Ursa Major* wrong. "This," says his Lordship, "was a great feather in my cap."

But to cite a case in point—the admission of your Lordship's noble and learned friend on the Woolsack himself, if my authority be correct, which I expect it is: "Court of Chancery, Feb. 1st, 1825.—*Exeter v. Scott*."—"This was an appeal from the Vice-Chancellor who had refused the motion asked by the plaintiff," &c.

"The Lord Chancellor *admitted* the judgment of his Honour (Sir John Leach), was agreeable to a precedent which he had *HIMSELF* furnished in a similar case, (which is to be found in *Merrivale*,) but he *now doubted* the soundness of it, and would therefore restrain the action for the present, until he could apply his mind again to the question. His Lordship spoke at some length on the comparative scope of his own and the common Law jurisdiction, and contended that the Lord Chancellor had as much power and authority in judging questions of *common Law* as the Chief Justices of the two Courts of Westminster Hall."—"The *common Law* did not give that consideration to the Decrees of *Equity* which the *Courts of Equity* gave to the *Common Law*. In most instances he thought that those Courts *paid too little attention to equitable circumstances*, which a Court of Chancery could not overlook. This made it *often happen* that the Court could not establish the verdict sent up on trial of an Issue from Chancery in those Courts. He mentioned an instance where the *Chief Justices* of the *two Courts* had sent up *opposite judgments* upon a case which he had referred to them, and *He differed from them both*. Lord Bathurst had once declared that he never liked Law so much as when it *looked like Equity*; Lord de Grey had said that he liked Equity best when it looked like Law; Lord Thurlow thought that there should be *no difference* between them. *He himself* was of opinion that there was the *greatest danger if they should be mingled*."—EXAMINER, Feb. 14, 1825.

If my Authority be correct, here is a specimen of the "*glorious uncertainty*," &c. *Moral Equity* is always the same thing—a uniform measure of *Right*. I wonder whether "*Equity in Law*" is always the same thing which it has been called afore time. "*Equity*," said Mr. Selden, "is a roguish thing." "*Equity* is according to the conscience of him that is Chancellor, and as that is larger or narrower, so is Equity. 'Tis all one, as if they should make his foot the standard for the measure we call a

a question he would have no hesitation or doubt whatever, and that he would decide, upon the principles of equity, that if you *increase* by a legitimate measure the value of the Currency, you ought in the same proportion to *diminish* the amount of the payments, whether they are PUBLIC or PRIVATE." (P. 294.) This, my Lord, is *shifting*. You assert that in consequence of a *raised* value of the Currency, a *reduction* of the *Dividends* is strictly conformable to justice. You say that you "wish the QUESTION between the Nation and its Creditors could be argued as between two private individuals before your Noble and Learned Friend on the Woolsack;" and you add, "Inclined as he is to pause and hesitate and doubt, you are convinced that upon such a QUESTION he would have no hesitation or doubt whatever." Upon what QUESTION? Do you mean, my Lord, upon the QUESTION between the Nation and its Creditors, which is the QUESTION you started with? No; the question upon which you are convinced that your Noble and Learned Friend on the Woolsack would have no hesitation or doubt whatever is, "that if you increase by a legitimate measure the value of the currency, you

Chancellor's foot; what an uncertain measure would this be! One Chancellor has a long foot, another a short foot, a third an indifferent foot; 'tis the same thing in the Chancellor's conscience."—TABLE TALK, *Equity*.

Perchance "*Equity in Law*" is still a deceptive thing, yet if Lord Eldon decided your Lordship's Cause in your favour, doubtless it was Lord Eldon's OPINION that the *Law of the Land* was on your side; but your Lordship as well as Mr. Cobbett must very well know that on *this* question which you two have raised between the Nation and its Creditors, the Law of the Land is positively and clearly against you, and that if Lord Eldon's decision were to be given on *your* side of it, his Lordship must decide that the Contract between the Nation and its Creditors was a "bargain" about "WHEAT," or Agricultural Produce in general; but that the parties themselves not being aware that such was the fact, thought it was about MONEY, and so they wrote down *Money* instead of WHEAT or "Agricultural Produce" in their Contract.

It will be my endeavour to convince your Lordship that your *exposition* of the *intention* (see your Proposed Address to his Majesty, p. 33) of the Parties to Contracts made antecedent to the passing of Mr. Peel's Bill in 1819, is as *contrary to equity*, as it is contrary to *truth*, to say that *Money* is the same thing "in substance" as *Wheat*.

ought in the same proportion to diminish the amount of the payments, whether they be *public* or *private*." However, my Lord, you may be "convinced" of what would be your Noble and Learned Friend Lord Eldon's *Decision* on *this* question, does it thence follow that Lord Eldon would have no hesitation to *pronounce* with your Lordship, that "*the Reduction of the Dividends is strictly conformable to justice*"? Your Lordship must very well know that the *fair* Question between the *Nation* and its *Creditors* is *not*, *If* you do this—or, *If* you do that;—is *not*, *If* the Legislature make *this* Law—or, *If* the Legislature make *that* law;—but that whether, in consequence of *any* Law which the Legislature HAS made, a "*Reduction of the Interest of the National Debt is strictly conformable to justice*." *This* is the Question between the *Nation* and its *Creditors*, and it is pity but your Lordship should have your wish, and that, *if* your Lordship's satisfaction, this Question should "be argued as on between two private individuals," before your Noble and Learned Friend Lord Eldon. I concur with your Lordship that the "*principles of equity*" would guide Lord Eldon to the *same Decision* on the Question between the *Nation* and its *Creditors*, as in a Question of the Reduction of a private Debt argued on the same alleged ground "between two private individuals:" and I will help your Lordship to a *Document* in which the *equity* of *reducing* a Debt of *private* contract in consequence of the alleged raised value of the *Currency* is argued "between two private individuals," and your Lordship can lay that Discussion before your Noble and Learned Friend Lord Eldon, to give you his judgment thereon, if you please.

1822.

Miller. Good morning to you, Neighbour. I called just to ask if it will suit you to let me have a little money this morning?

Baker. Walk in, Neighbour, and I'll see what I can do for you.

Miller. Will it suit you to settle up the balance that was left behind when we put our accounts together last?

Baker. Let me see—how much was that?

Miller. We have not had a settlement since Christmas 1818, and then there was *Thirty pounds* left behind due to me.

Baker. O yes, very right: it was so then, but it is only *Twenty pounds* now.

Miller. Why, Neighbour, I have never been paid any part of that balance yet.

Baker. No, certainly not; I know that. But Mr. Peel's Bill of "*Wrongs and Robberies*" has come into operation since that Debt was contracted," so that I must have a "*Reduction*" of that balance now.

Miller. You know that I pay *ready money* for all the Wheat which I buy; and all the other expenses for manufacturing the Flour which you had of me were paid before a sack of the article left my Mill; and you know that you sold the Bread which you made of that Flour at a price according to the price which you *agreed* to pay for the Flour.

Baker. Granted. But if I pay you *Twenty pounds* now (1822), you can buy as great a quantity of Wheat with that sum, *at the present price of Wheat*, as you could have bought with *Thirty pounds* (in 1818)* *when that Debt was contracted*. To pay you *Twenty pounds* now (in 1822) will therefore be to pay you "*the same in value, though not the same in nominal amount,*" † as to have paid you *Thirty pounds* in 1818, when that balance was due. You "*will receive the same SUBSTANCE and value,*" or the same sums in SUBSTANCE, and you have no right to receive more; ‡ for you cannot justly claim, and ought not therefore to receive, a greater amount in *value* for the *Principal* of a Debt than was *originally* owing; and this rule, I contend, is *founded in immutable justice, and ought to be adopted.* §

* The average price of *Wheat* in 1818 was nearly *double* the average price of *Wheat* in 1822. But the Baker has made the Reduction of the Debt on the *lowest* scale named in your Lordship's Proposed Address to his Majesty. (See the same, p. 25.)

† Proposed Address to his Majesty, p. 30.

‡ Ibid. p. 33.

§ "The measure which we recommend, while it is just towards the Debtor, cannot be considered as unfair by the Creditor, who receives the same '*substance and value,*' or '*the same sums in substance,*' and he has no right to receive more. We consider it to be manifestly unjust that by the

Miller. Where have you been to School, Neighbour ?

Baker. Have you not seen the *New Work* which came out last Christmas ?

Miller. What *Work* do you mean—"The March of Intellect" ?

Baker. O no—no such thing.* I mean "THE MANNER OF DEBTS AND CONTRACTS PAYING," or a way "founded in immutable justice," which applies both to "PUBLIC and PRIVATE Debts," and by which both the *Nation* and *private Individuals* may discharge their Debts in full by the payment of only TWO-THIRDS of what they owe.†

Baker. Have you got any Money in the Stocks ?

Miller. Why ? What about that ?

Baker. Because if you have, let me advise you to sell it all out directly and get a good Mortgage.

alteration of the Currency the Debtor is required to pay, and the Creditor to receive, for the *Principal* or for the *Interest* of a Debt, a greater amount in value than was stipulated between them when the Debt was contracted. We contend that the Creditor cannot justly claim, and ought not therefore to receive, a greater amount in *value* for the Principal of a Debt than that which was *originally* borrowed, or for the Interest of a Debt than that which was originally paid. We contend also that this rule, which is founded in immutable justice, applies both to PUBLIC and to PRIVATE Debts, and ought to be adopted with respect to the transactions of *Government* and to those of *Individuals*." Ibid. pp. 33, 34.

"The Resumption of Cash Payments, which has increased by ONE-THIRD, if not in a greater proportion, the tremendous burthen of the Debt that existed in 1813, and diminished the means of supporting it," &c., &c. Ibid. p. 25.

* "Tastes, according to a trite and true saying, do not admit of dispute, and vary in different times as well as in different countries ; but according to the statements of some of the Witnesses, the tastes of the people of England have lately undergone an alteration which is even as marvellous as that of the Wool of England, and which can be attributed only to that 'MARCH OF INTELLECT,' of which we have heard so much, and of which, *unhappily*, we are like to hear more."—*A Letter to the OWNERS AND OCCUPIERS OF SHEEP FARMS*, from EARL STANHOPE, p. 17. Chevening, July 26, 1828. *James Ridgway, London.*

† Proposed Address to his Majesty, &c., pp. 25—34.

Miller. Why so?

Baker. Because as soon as this Measure of "*The Manner of Debts and Contracts Paying*" "comes into operation," the DIVIDENDS of the Stockholders will be *Reduced* "ONE-THIRD, if not in a greater proportion,"* of their present "nominal amount."

Miller. But would not that be a *breach* of the Public Faith?

Baker. Not at all; for if you read "*The Manner of Debts and Contracts Paying*," you "will find upon a fair and full examination of the subject, that the Fundholders do not possess the rights which some of them have *fancied*."† You will there find that the Parliament has Power to Tax the Funds, notwithstanding what has been said by some persons to the contrary, for the Parliament exercised that Power when it *imposed* the Property Tax.‡ But for the Parliament to Reduce the nominal amount of the Dividends of the Fundholders, you *must* know, is neither more nor less than to Tax the Funds just to the same amount as such Reduction; therefore the Parliament has a *Right* to *Reduce* the "nominal amount" of the Dividends. But, moreover, the Parliament has already "broken its Faith" with the National Creditors in TWO instances—to wit, in the matter of the *Bank Restriction*, and in that of the *Sinking Fund*; §

* See Proposed Address to his Majesty, p. 25.

† Ibid. p. 27.

‡ Ibid. p. 44.

§ "It has, we know, been argued that the Public Creditor, who invested his Capital when the Currency was of a different value, ought to receive the *present nominal amount* of his Dividends, because that Capital was lent *with a confidence* that the BANK RESTRICTION should, in conformity to the Provisions of the ACT, *cease at a definite period*. Such might have been the expectation; but there was no engagement to that effect in the LOAN BILLS, nor could the *Acts* which imposed and continued the *Bank Restriction* be considered as contracting any *irrevocable* engagement, because those ACTS, like all others, might be repealed according to the DISCRETION of the LEGISLATURE. If it were to be supposed that the *Faith of Parliament* was pledged to the removal of the *Restriction* at the period which was originally contemplated, THAT FAITH HAS BEEN VIOLATED, since that *Restriction* continued much longer, and those who were most anxious for the Resumption

and "*The Manner of Debts and Contracts Paying*" will inform you "that the *same principle* * which justified this last measure would justify also the Reduction of the Dividends. Whence it follows as "*a just and legitimate consequence,*" that because Parliament has broken Faith with the National Creditors in these two instances, and with impunity, therefore the Parliament has an *indubitable right* to break Faith with the National Creditors again, and to REDUCE the Dividends on the National Debt. Q. E. D.

Miller. But would not this Measure of Reducing the Dividends be *impolitic*? Would it not also Reduce—would it not *Sink* the National Credit?

Baker. Just the contrary. A Reduction of the *Dividends*, instead of *sinking* the National Credit, is the only *expedient* that can keep it *afloat*. For the smaller the sum is which a Creditor is required to pay, the better able must he be to raise the money to pay it with; and, therefore, there is just so much the less chance of his failure. "If a *Doubt* or *Distrust*," says "*The Manner of Debts and Contracts Paying*," "should be generally excited, as to the practicability of paying the Dividends, the Funds, far from continuing at their present *high price*, would *fall lower* than was ever known in the most disastrous periods of our History."† The Fundholders, therefore, "ought to reflect that a *Reduction* in the *nominal amount* of the *Dividends* is *requisite*, not only from considerations of Justice towards the Nation, but also for the *security* of

of *Cash Payments* allowed that it could not be suddenly effected."—Proposed Address to his Majesty, pp. 34, 35.

Again: "*Public Faith* cannot be supposed to be more pledged to PAY THE INTEREST of the DEBT than it was to employ the SINKING FUND in the Redemption of the PRINCIPAL; and yet that FUND has, by your Majesty's Ministers, been reduced from *fifteen millions* to *five*. Far from condemning, we approve of that reduction, which, under all the circumstances of the case, was indispensable; but we contend that the SAME PRINCIPLE which justified that measure would justify also the DIMINUTION of the *Dividends* which is required by the alteration of the Currency."—*Ibid.* pp. 36, 37.

* *Ibid.* p. 37.

† *Ibid.* p. 26.

the Capital." * Whence it follows, that a *Reduction* of the *Dividends* of the Fundholders will not lower the National Credit.
Q. E. D.

Miller. Pray who is the *Author* of this Work, "*The Manner of Debts and Contracts Paying*" ?

Baker. I can only inform you what I have been told by a Friend of mine, who lent me the Book. He is a Nobleman of great Landed Estate in the Counties of Kent, Derbyshire, Devonshire, Buckinghamshire, and Ireland.

Miller. Do you know if his Lordship has any *Mills* upon his Estates ?

Baker. Why ? You don't want a Mill ?

Miller. O no, certainly not ; but I should like to know just for curiosity-sake if his Lordship has any *Mills*, and, if he has, whether, when he proposed to his Majesty this Measure of "*The Manner of Debts and Contracts Paying*," he *Reduced the Rents of his Mills* by the *same scale* as he proposed to Reduce Private Debts and the *Dividends* of the National Creditors, because I have lived long enough to have occasionally observed instances of persons who have advised *one course* to other persons to follow, and then directly afterward have posted off themselves full speed in just the opposite direction.

Baker. Why, as to that matter, the Reduction of his Lordship's Rents is a concern which I will not pretend to *speak* about, and which I ought not to be acquainted with. It was not for me to pry into his Lordship's own private practice in the "*Adjustment*" of his Rents with his Tenants, nor into his "*Manner of Debts and Contracts Paying*" in his Lordship's own private Dealings. "*We should never look a gift horse in the mouth,*" as the old Proverb tells us. If I am beholden to "*The Manner of Debts and Contracts Paying*" for instructing me how to discharge my debts *in full*, by paying only *two-thirds* of what I owe,† it would as ill become me to inquire about the Reduction of his Lordship's *Rents*, as it would to inquire in what proportion of the "*amount*" his Lordship dis-

* Proposed Address, p. 36.

† Ibid. p. 25.

charges his Debts, on account of "the alteration of the currency," or what time he takes to do it in.* To give another example of the consequences of this Measure of "*The Manner of Debts and Contracts Paying.*" A person bought four hundred pounds Stock, four per cent. Annuities, in the year 1792, when the price of that Stock was ninety-nine per cent. In 1812, a neighbour of his applied to him for a loan of three hundred pounds on the security of a Mortgage on Land, which was agreed to. But in consequence of the late War having broken out since this Stock was purchased, the price of Stock had fallen below seventy-five per cent., so that the whole four hundred pounds Stock now produced not quite three hundred pounds neat money, which sum being now lent on a Mortgage at five per cent. per annum Interest, yielded nearly fifteen pounds :

* The following invaluable *Admonition* on the subject of *Discharging Debts* is amongst the *Precepts* on *Social Duties* by a heathen Teacher in the days of imperial and pagan Rome : "WHATEVER WE OWE 'TIS OUR PART TO FIND WHERE TO PAY IT, AND TO DO IT WITHOUT ASKING TOO."† Pity but the late Lord of many a noble Mansion had left for the benefit of his HEIR and his NEIGHBOURHOOD this *Precept* inscribed in the *Breakfast-room*, in letters of gold, on the Mantel-piece!

Your Lordship has Two Water Coru-Mills in this Neighbourhood. Pray, have you reduced the Rents of either of them since the passing of Mr. Peel's Bill in 1819? In the year 1792, when Eight-pence per Acre was a competition price for Measuring and Mapping Land in this County, one of these Mills (which is close adjoining to my Garden) was Rented by the late Tenant at Forty-seven pounds a year. The Premises certainly are not in a better state now than they were at that time. This Mill has been re-let by your Lordship since 1819, and I certainly should be very much surprised if your Lordship's Rent Roll would not shew the Rent of this Property is now DOUBLE the sum it was in 1792. I should likewise be glad to know if the Rent of your other Mill, and the premises as let together with it in 1792, has not been advanced by your Lordship since 1819.

☞ Since the preceding sheets of this Address were printed, there has been a little whispering about, that your Lordship's Tenants, in this neighbourhood, are a little desirous for your Lordship to lower their Rents; and it has been whispered about also, that it is your Lordship's intention to lower them a little, namely, ten per cent., at your next Rent audit.

† L' Estrange's *Seneca's Morals*.—Of Benefits. Chap. xvi. p. 86, Ed. 1682.

year. The Lender, therefore, sunk *one* pound a year in the Interest of his Money, by taking this Mortgage; but then he had LAND SECURITY for his Money. This Mortgage was paid off in 1822, at which time the price of the four per cent. Annuities had *again risen* to *ninety-nine* per cent., so that the Lender of this *three hundred* pounds lost *one hundred* pounds of his principal, by not letting his money remain in the Funds instead of purchasing this Mortgage, besides his having sunk *one* pound a year Interest for ten years. HERE WAS NO WRONG DONE, because the Transaction between the parties was a matter of voluntary and fair speculation on both sides. But suppose your Lordship's proposed Measure of "*The Manner of Debts and Contracts Paying*" had been enacted by the Legislature, and in operation in 1822, when this Mortgage was paid off, and the "*nominal amount*" of ^{the} *three hundred pounds* Lent, became "*so far varied*" by this Measure, "*as to remain the same in value though not the same in nominal amount.*" What would then have been the Lender's loss? In 1812, when this Money was lent, the price of *Wheat* was nearly *three* times as great as the price of *Wheat* in 1822, when the Mortgage was paid off. And if a *Reduction* in the *payment* had been made in the same proportion as the *Reduction* which had taken place in the price of *Wheat*, the Lender of the *three hundred* pounds in 1812, would have received little more than *one hundred pounds* in 1822, *in full* discharge of the whole debt of *three hundred pounds*. This example, it may be alleged, is an extreme case; but to make the *Reduction* on your Lordship's *lowest* scale, (pp. 25, 34, of "*The Proposed Address,*") namely, *one-third* of the nominal amount of the Money lent: this Debt of *three hundred pounds* would then have been *Reduced* to *two hundred pounds*, and consequently the Lender would have lost by the Transaction *two hundred pounds* out of the *four hundred pounds* which his Stock would have been *again* worth in 1822, if he had let his Money remain in the Funds instead of lending it on Mortgage. Is your Lordship "*convinced that upon such a question*" as this your "*Noble and Learned Friend*" Lord Eldon "*would have no hesitation or doubt whatever, and that he would decide upon the*

principles of equity,”* that THIS “legitimate consequence” † of your Lordship’s proposed Measure, “*The Manner of Debts and Contracts Paying*,” ‡ “is founded in *immutable justice*”?§ Would Lord Eldon “have no hesitation or doubt whatever” in deciding|| that this would be paying the Lender “the same *substance* and *value*, or the same *sums* in *substance*” which were *originally* borrowed ¶—“the same in *value*, though not the same in *nominal amount*” **—the same amount in *value* that was *stipulated* between them when the debt was contracted? ††

But let an Analogous Case be argued upon your Lordship’s own Principle. A young Nobleman, the heir apparent to a large Domain at the death of his Father, having exceeded his allowance of Income from his Parent, and run in Debt a *Thousand pounds* beyond his means to pay, applied to a “*Jew or Jobber*” ‡‡ to help him through this Difficulty, and the application succeeded to his wish. This Transaction took place in 1812, and the Borrower coming into the Possession of the Family Estates on the death of his Father in 1823, then tendered the *Thousand pounds* to his Creditor to discharge the Debt. But the “*Jew or Jobber*” demurred to this tender, alleging that the Contract between them was concluded *antecedent* to “*Mr. Peel’s Bill of Wrongs and Robberies*” §§—the *just* and legitimate consequence of which measure was, that payments made upon Con-

* Weekly Register, p. 294, May 3, 1823.

† Proposed Address to his Majesty, p. 30, 1821.

‡ Ibid. p. 33.

§ Ibid. p. 34.

|| Weekly Register, p. 294.

¶ Proposed Address, &c., pp. 33, 34.

** Ibid. p. 30.

†† Ibid. p. 34.

‡‡ “I said that *Jews and Jobbers* alone were prosperous at the present moment.”—Substance of the Speech of Earl Stanhope in the House of Lords, Feb. 4, 1823, as Reported in Mr. *Cobbett’s Weekly Register*, May 3, 1823, p. 292.

§§ “He [Earl Stanhope] would add that the price of *corn* was lowered, not by unfavourable seasons, but by Mr. Peel’s Bill, an *Act of Wrongs and Robberies*, as it had been truly and justly represented by a noble friend of his—he meant the late Lord Redsdale.”—*Earl Stanhope’s Speech* in the House of Lords, Feb. 4, 1830, as Reported in the *Morning Herald*, Feb. 5.

tracts concluded *antecedent* to that period [1819] should be so far *varied* as to remain the *same in value*, though *not* the same in *nominal amount*; * that the Debtor is thereby required to pay, and the Creditor is entitled to receive, for the Principal of a Debt as great an amount in *value* as was stipulated between them when the Debt was contracted, or, in other words, "the same *Substance in value*"—"the same *Sums in Substance*"†—the same "*amount in value* for the *Principal* of a Debt *as that which was originally borrowed.*"‡ That in order to Lend this *Thousand pounds*, neat money, in 1812, he (the "*Jew or Jobber*") was obliged to sell out nearly *Fourteen hundred pounds* Stock Four per Cent. Annuities, the price of that Stock being at that time only *Seventy-three per Cent.*, and which was then yielding to him nearly *Fifty-six pounds per Annum* Interest; that he (the "*Jew or Jobber*") was therefore, according to "*immutable justice*," entitled to be repaid his *whole* Stock, the produce of which he had lent, on this occasion; that the price of Four per Cent. Stock being then (1823) *One hundred per Cent.*, he (the "*Jew or Jobber*") was entitled to be paid nearly *Fourteen hundred pounds neat money* in discharge of the *One thousand pounds* lent in 1812. Imagine, my Lord, that *yourself* was this prodigal young Nobleman, and that you had been called upon to argue the question with the "*Jew or Jobber*," before your noble and learned Friend on the Wool-sack, what Plea could you have set up in the *teeth* of your own Measure of "*The Manner of Debts and Contracts Paying*" to rebut the "*Jew or Jobber's*" Claim to have the *whole* of his Four per Cent. Stock replaced? Would your Lordship have contended that the *Principal* of the Debt, the Sum that was originally borrowed, was neither Stock in the Four per Cent. Annuities, *nor Money*, but "*Agricultural Produce*"? That although *Money* was specified in the Contract, it was *not Money*, but "*Corn and Cattle*," that the Parties intended the Debt should be repaid in, the price of which having fallen "*fifty per cent.*" since the date of the Contract in 1812,§ the "*Jew or Jobber*," instead of being entitled to have the

* A Proposed Address to his Majesty, p. 30, 1821.

† Ibid. p. 33.

‡ Ibid. p. 34.

§ "The burthen of all public and private Debts which were contracted

whole of his Four per Cent. Stock replaced, had, as "*the just and legitimate consequence*" of Mr. Peel's Bill of "*Wrongs and Robberies*," * no right to receive, in 1823, more than HALF of the "*nominal*

in those years [1812 and 1813] has thus been *increased one-third by the alteration in the Currency.*"—"If the value of the Currency were to be estimated, *not* by its amount in Gold, as the invariable standard, but by the quantity of Gold of various kinds which it could purchase, the difference would be *very much* greater, the average prices of *Corn and Cattle* being, in 1813, *about double* what they are at present."—"A Proposed Address to His MAJESTY, pp. 31, 32, by *Earl Stanhope*, 1821.

* In your Lordship's Publications, and in your Speeches, according to the Newspapers and other Reports of your Speeches, you have been for years incessantly reprobating and stigmatizing the Measures of your Co-Senators, because they do not accord with your notions of Equity, and with your proposed Measures of Polity. The following instances are quoted for examples :

"As your Majesty adverted in your Speech, at the opening of the last Session of Parliament (1821), to '*the Distress which still presses upon a large portion of your subjects*,' we hoped that the Ministers who advised that Speech would also have advised some measures to remedy or at least relieve that Distress which now afflicts so severely so many classes of the Community.

"In this hope we have, however, been disappointed, and we have found that your Majesty's *Ministers* have neither proposed nor intimated any intention of proposing any measures for the purpose. They seem to be of opinion, that though the Storm rises and the Vessel of State is driven among Rocks and Shoals, the *Pilot* may slumber at the Helm, and the Crew may be *abandoned to their fate.*"—A Proposed Address to his Majesty, pp. 3, 4, 1821.

Again. "Had our Distress proceeded, as that *Minister* supposes, from an '*Excess of Production*,' we would ask, what opinion can be formed of that situation of affairs which can induce a considerable portion of the Population to deprecate, as a misfortune, the *bounty of Providence*?"

"If an '*Excess of Production*' were the real cause of our present Distress, the *Minister* who made such a curious and ingenious discovery, might have advised your Majesty to recommend in your Speech from the Throne, that your Subjects should endeavour by all possible means to prevent an abundant Harvest; and that the two Houses of Parliament might have assured your Majesty, in '*a loyal and dutiful Address*,' that they would discourage the cultivation of the Soil, and discontinue those modes of Husbandry which

amount" of the money lent as specified in the Contract of 1812 ? If this is the "*immutable justice*" which your Lordship's Measure

have been found most beneficial. The Cure could not be considered as more extraordinary than the Cause, and the success with which the one might have been applied would have been equal to the sagacity with which it was discovered. Ministers would at least have had the merit of being consistent, and of adopting measures which appear to be the legitimate consequences of their own Theory."—A Proposed Address to his Majesty, pp. 6, 7, 1821.

"We were told that the Harvests had been too abundant, that *Providence had been too bountiful*, that there was an 'excess of Production' and too great a quantity of Corn, and it was proposed as a remedy, to add to that quantity by importation. I do not suppose that such an *absurdity* was ever devised by any Committee of any other House of Commons, or would have been heard with patience in any other Assembly."—A Letter from Earl Stanhope on the Corn Laws, p. 18, 1826.

"Ministers who, being strangely puzzled to account for the extraordinary fall of prices, or being *unwilling to confess the truth*, represented it as the effect of '*excessive production*,' of too abundant a supply!"—A Letter to the Owners and Occupiers of Sheep Farms, from Earl Stanhope, p. 26, 1828.

"The alarm which Government excited at the opening of the last Session of Parliament, and the *mischievous measures* which were adopted with respect to the *Currency*, contributed also very considerably to increase the distress. The cure of that Distress, as far as it was practicable by legislative measures, was to be found by taking an opposite course—by extending, instead of restricting, the *Currency*—by following the dictates of prudence and of *practical wisdom*, and *not the idle theories of visionary enthusiasts*."—LETTER on the Corn Laws, pp. 9, 10, 1826.

"Have we then forgotten, or can we ever forget, though we should attain the age of Methusalem, the effect of Mr. Peel's Bill, *which spread misery and ruin throughout the Country?*"—*Ibid.* p. 18.

Again. "The alteration of the *Currency*, which was the object and operation of that Bill, and which, with *unparalleled injustice*, was carried into execution, without any regard to the public or private obligations that then existed. You are acquainted with that *Edict of Confiscation*," &c.—A LETTER on the Proposed Alteration of the Corn Laws, pp. 4, 5, 1827.

"Ministers, instead of giving flimsy and *falacious pretexts* for the measures which they propose, ought candidly to declare the truth."—*Ibid.*

"Mr. Peel's Bill, which was tremendous in its operation, and was, in

of "The Manner of Debts and Contracts Paying," "*is founded in,*" surely, in this case, your Noble and Learned Friend on the

fact, an *Edict of Confiscation*."—A LETTER to the Owners and Occupiers of Sheep Farms, p. 25, 1828.

Your Lordship's Letter to the Freeholders of the County of Kent, dated Chevening, December 20th, 1821, and published in the Maidstone Journal the 25th of the same month, and also your Speeches in Parliament, as published in the Newspapers and other Works down to the last Session of 1830, are not only in accordance with the above quotations, but the expressions of reprobation as therein reported are still more striking.

Pray, my Lord, did the late Earl of Liverpool ever say that the *cause* of the Distress of the Country was "*that Providence had been too bountiful*"? As it is of rare occurrence that any daily Newspaper comes into my hand, I seldom see a full report of the Debates in Parliament; but I happen to have by me an extract from a Speech of the late Earl of Liverpool, in the House of Lords, as abridged in the Maidstone Journal, of March 5, 1822. The following passage in it relates to the subject which is the perpetual theme of your Lordship's animadversion: "*A superabundant supply has been created by the great excitement given to production, by the high prices of a WAR, in which we fought for our existence, and other Nations for their independence. Those high prices forced a great deal of poor land into cultivation, which in ordinary circumstances could not repay the profits of the capital applied to them, but which, in the mean time, sent their superfluous produce into a market already overstocked.*"

The following is an extract from another Speech of his Lordship's on the same subject, in the House of Lords, July 16th, the same year, 1822. "*Some traced the evil to an over production, others ascribed it to the resumption of cash payments. The Distress had not arisen out of any single cause. The Cash-payment Act had, perhaps, assisted to produce it; but not even assisted in any material degree. The fact was, that the Distress arose out of no one cause alone, but out of a great variety of causes operating in combination—causes which themselves arose out of a change in the course of circumstances and events, surpassing any transition which had happened within the memory of man. The Noble Lord went on to deny having treated the question of over production in the way in which the Noble Earl (Carnarvon) had described him as treating it. All he had ever meant or said was this, that the high prices of the war had forced Lands into cultivation from which crops could not be raised but at an expense exceeding their value.*"—

"When land was forced into cultivation at rents of Twenty shillings an

Woolsack would have neither paused, nor hesitated, nor doubted; but, without any "*hesitation or doubt whatever*," would have decided, "*upon the Principles of Equity*," that the "*Jew or Jobber's*" plea to have his *whole* Four per cent. Stock replaced, was just as much "*founded in immutable justice*," as your Lordship's plea to Reduce this nominal amount of the money lent, according to the reduction in the prices of "*Corn and Cattle*."

To give one more instance. In the early part of the late War a worthy YEOMAN, who had over-run his Revenue, was necessitated to borrow a sum of money to satisfy his Creditors, or else to make a "*sacrifice*," alias, to sell some portion of his Domain to pay his Debts. In this exigence, a neighbour of his stood his friend, and lent him the *whole* of his Property, amounting to *Twelve hundred pounds sterling*, for which the *Yeoman* gave a Mortgage on his Domain, bearing interest at *five per cent. per annum*. This *Loan* saved the *Yeoman* from diminishing his Territory.

The War continued, and the high prices of *Agricultural Produce* continued year after year, to the great aggrandizement of the *Borrower*, but to the grievous privation of the *Lender*, although he still continued to receive the same "*nominal amount*" of Interest from the *Borrower* that "*was stipulated between them when the Debt*

acre, which, in ordinary circumstances, was not worth Five shillings, what was it that must naturally follow upon a reduction of the then *unnaturally* high market prices? It was *the real over production*, at a cost *far greater* than the value of the thing produced."—"He knew, and he declared it plainly, that the only *immediate* remedy for *Agricultural distress* would be found in a large increase of *public expenditure*. If Government should be so *absurd* as to involve itself in some contest which would cost *ten millions*, the effect would be instantaneous upon the state of the markets, and *Agricultural distress* would be heard of no more. *Far was it from him to desire to see such a remedy in action; for he knew very well how the operation must end.*"—BELL's Weekly Messenger, July 21, 1822.

It being intimated in some of the above quotations from your Lordship's *Works*, that the late Earl of Liverpool attributed the Distress of the Country in 1821 to the "*bounty of Providence*," it was but justice to his Lordship to subjoin here his denial of the truth of such imputation.

was contracted.”* And as the Interest was kept punctually paid on the day it became due, neither of the Parties ever imagined that the Contract was not faithfully fulfilled. After the endurance of many years of privation and hardship by the *Lender*, and the experience of many years of prosperity by the *Borrower*, *PEACE* comes at last, and the *WAR* Customer, the *prodigal* War Customer, being withdrawn from the Market, the “*famine price*” of the necessary articles of subsistence could be no longer upheld. Then comes your Lordship forward with your Proposed Measure of “*The Manner of Debts and Contracts Paying*,” by which Rule of Paying Debts this Mortgage would have been *fully* discharged in 1822, by the Payment of only *two-thirds* of the sum stipulated between the Parties when the debt was contracted; that is to say, this Lender of *Twelve* hundred pounds in the year 1796 would have had to receive only *Eight* hundred pounds for the full payment of the same in 1822. *This*, my Lord, is the “*immutable justice*” which your proposed Measure of “*The Manner of Debts and Contracts Paying*” would deal to Creditors in return for supplying the exigencies of Persons who, without such aid, must have fallen to ruin, but who, on the contrary, were not only rescued from falling, but became *enriched* through such assistance.

The question between the Nation and thousands and thousands of its *small* Creditors is analogous to this case between the Yeoman and his Mortgagee. Thousands and thousands of *small* “Fundholders and Annuitants,” of every sort, have been subjected to long and grievous privations, and brought to penury, and many to pauperism, by the “*Famine prices*” of the necessary articles of life, and other consequent burthens during the many years’ continuance of the late war, while the great *mass* † of Landowners were *doubling*,

* A Proposed Address to his Majesty, p. 34, 1821.

† I say the *great mass* of Landowners. I do not say the whole body without exceptions, for there were exceptions. Those Landlords who had let their Lands on long Leases shortly before the rise in the price of Agricultural Produce had taken place, were even in a *worse case* during the War than Fundholders and unincumbered Annuitants, because such Landlords

many of them were *trebling*, their Rents, and living in affluence and profusion, aggrandizing themselves at the expense, impoverishment, and ruin, of thousands upon thousands around them.

Can your Lordship *satisfy yourself* that it is *just* to reduce the Dividends of *this* class of the National Creditors, while *Landed Property is to remain untouched*? Yes, your Lordship *has satisfied yourself*, and you are using your utmost endeavours, by your Speeches and Publications, to satisfy *every one else* that it is *just*,* although, in *direct violation of the National Faith*, to deprive even *this* Class of the National Creditors of a THIRD-PART of the *wreck* of their property, the *pittance* which the late long-protracted War has at last left them to subsist on.

In your Letter on the Proposed Alteration of the Corn Laws, (p. 29, 1827,) you declare that you are one of those old-fashioned Tories who wish that all Rights may be respected, and that all Property may be secured. Also, in your Speech in the House of Lords, at the opening of Parliament, February 4, 1823, (as published in Mr. Cobbett's Weekly Register, May 3, 1823, p. 297,) you aver that, happily, you were not so *selfish* to wish that the separate Interests of any *class* of the Community should be pursued at the expense of the others. And yet you, like Mr. Cobbett,† are striving

were not only prevented advancing their Income, but were subjected also to an increased expense on *repairs* and other outgoings incident to Landed Property.

* "The resumption of cash payments has increased by *one-third*, if not in a greater proportion, the tremendous burthen of the Debt that existed in 1813."—*A Proposed Address to his Majesty*, p. 25, 1821.

"A *reduction* in the *nominal amount* of the Dividends is requisite, not only from considerations of *justice towards the nation*; but also for the security of the Capital."—*Ibid.* p. 36.

"If the Dividends should not be diminished, it will, we are persuaded, be found *impracticable* to pay them, unless, indeed, by the issue of Government Paper, which would be received at par *in the collection of Taxes*, but which would, in *circulation*, bear, of course, a value *very much inferior* to its *nominal amount*." "In the one case as in the other, the amount of *value* which would be paid to the *Fundholders* might be the *same* as that to which they are *fairly* entitled."—*Ibid.* p. 37.

† At a County Meeting in KENT, held at Maidstone, June 11, 1822, for

your utmost to Reduce the Dividends of the National Creditors to favour the Landowners. You are using your utmost endeavour to

the purpose of considering the best means of alleviating the distress of the Country, and of discussing the necessity of a Parliamentary Reform, a Petition to Parliament, on these subjects, was proposed by John Charles Foote, Esq., of Charlton, and seconded by Thomas Ryder, Esq., of Bough-ton Place.

Mr. Cobbett proposed the following words as a *rider* to the Petition: "And your Petitioners beg leave likewise most humbly to pray that your Honourable House will cause a just *Reduction* of the Interest of the National Debt, as soon as you have completed a *Reform* in your Honourable House."

The Petition, with Mr. Cobbett's Amendment, was carried by an immense majority.—*News*, June 17, 1822.

This Petition, together with Mr. Cobbett's *Amendment*, was presented to the House of Commons, June 14, 1822.

Sir Edward Knatchbull expressed his dissent to the same; and

William Honeywood, Esq., (the other Member for this County,) declared that he utterly disavowed the sentiments the *Amendment* contained.

Lord John Russell said he knew of no such thing as "a just *Reduction of the Interest of the National Debt*." Even if he were disposed to say that the late War was entered into and persisted in against the will of the great majority of the People, a proposition which he was by no means ready to admit, he should still contend that *that* House was the legal Representative of the People, and that if any Debts were contracted by it, future Governments were bound to discharge them. He trusted that whatever view the House might take of Parliamentary Reform, they would continue to sustain the Public Credit which had enabled us to resist all the Powers of Europe, and to maintain on the Throne the Sovereign whom the nation was disposed to support against the exiled family which foreign despotism wished to impose upon us.

The Marquis of Londonderry thought it would be highly useful that the Petition of the County of Kent should remain on the records of Parliament to warn other Counties against being betrayed into an avowal of principles so disgraceful to themselves, and so calculated to bring ruin on the Country. It was not with any surprise that he had heard the Noble Lord (Lord J. Russell) disclaim a doctrine so unjust, so flagitious, and so pregnant with ruin and degradation to the Country, as that avowed in the Petition.

Mr. John Smith said it was a severe mortification to him to find that the County of Kent was the first to come forward for the purpose of petitioning Parliament to violate the *Public faith*.

reduce the Property of that "*class of the Population*" which has been the sufferer by the late War, to favour that "*class*" which has been the gainer by it.

"Much," says your Lordship, "has been said about National Faith, as if the Faith of a Nation, or that of an Individual, could in any case be pledged to that of which the execution becomes impossible, or as if a Nation could engage to effect its own destruction." No doubt, my Lord, the relative circumstances of a Debtor and his Creditor may be such as to make it the *duty* of the Creditor to yield a part of his rightful claim. I am aware, also, that the Landowners are not the only Persons who profited by the late War. Much of the Property lent to the Nation by its Creditors was unquestionably *profits* derived from the War, as well as much Land belonging to other Individuals was purchased with profits derived also from the War. But whatever be the circumstances and the exigencies of the Nation, it cannot be asserted with any pretence to *equal justice*, that

The Marquis of Londonderry (in reply to Mr. Bennet) said the Contract was quite clear, that whatever terms the public had received, one of the obligations was, to account for the capital in *sterling money* at the close of the war.

Mr. Hume thought no circumstance could arise in this Country for any measure being enforced against the *Fundholder* which was not also applicable to the *Landholder*.—Abridged from the *Statesman*, June 17, 1822.

Another *Petition* from the County of Kent, signed by a numerous and respectable body of Freeholders, was presented in the following month to the House of Commons, by Sir Edward Knatchbull. This last *Petition* concluded as follows: "Your Petitioners spurn with indignation the imputation that the Distress under which they labour, in common with other Freeholders, should have operated not only to the perversion of their judgment, but to the *dereliction of their moral principles*, and they confidently trust your *Honourable House* will continue to sustain the Public Credit, which has hitherto enabled this favoured Country to resist *all the Powers of Europe*, and to maintain the *House of Brunswick* on the Throne of these Realms, by a strict adherence to the terms of the contract entered into with the Public Creditor, but for *whose assistance*, in prosecuting an expensive though necessary war, your Petitioners might not only have been deprived of the privilege of Petitioning your Honourable House to redress their grievances, but also of their *Freeholds*, and have been made *vassals to tyrannical Government and Foreign rule*."—*Maidstone Journal*, July 17, 1822.

the Legislature has more *right* to Reduce the Dividends of the National Creditors than it has to take away a portion of their Rents from the Landowners. Nor can it affect the merits of the question whether the Property of either kind happen to be a recent or a remote acquisition of the owner, or whether it be of a small or large amount.

In respect to the *superior* Class of National Creditors, the inequity of Reducing their Dividends for the benefit of the State, and to exempt Land from contribution, may be aptly illustrated by the following analogous incident :

Two Persons, one of whom had Property to a large amount in his Pockets, and the other, who had a considerable Sum in one of his, happened to be journeying together in a Stage-coach. The Carriage was hailed by an assemblage of People on the way-side, *whom destitution had driven to the brink of desperation.* * These People said, and truly said, that "being unable to get employment, they were destitute of the means of getting an *honest* livelihood, and that *relief* they must have or famish."—"Grieved I am for your sufferings," said the *Richer* Traveller to these Applicants; "I feel for you from my heart, and so must every man who beholds your deplorable condition, and who has a heart in his bosom. Sorry enough am I for your case, but my *fellow-traveller* here has the MEANS to relieve you, for just as you hailed the Coach I saw him take a *handful* of BANK NOTES out of his Pocket Book and conceal them in his Boot." This *expedient* succeeded. The Applicants were appeased at the sole cost of the *less* wealthy of the two Travellers, and the *richer one* escaped without loss or molestation. The People were so charmed by his expressions of sympathy, and were so grateful for his generosity in so promptly pointing to the MEANS for their relief, that they departed *content* with the *boon* which he had helped them to, and left HIS boots and his pockets untouched. Thus the *Richer Traveller* contrived to relieve these sufferers solely at his companion's expense, and to get all the credit for the deed himself.

In your Lordship's "Proposed Address to his Majesty in 1821," you deny both the *Right* and the *Power* of Government to dispose of Land which is the Property of Individuals. (P. 27.) You assert

that "Government has not the *Right*, and therefore has not the *Power*, to mortgage that Land of which it is *not the owner*." And in your *Letter on the Corn Laws* in 1826, you say, "I contend that the Owners and Occupiers of Land have an undoubted right to the *full, secure, and unmolested enjoyment of their Property*, of which they could not be deprived without the *most flagrant and atrocious injustice*; by a *measure* which would exact the greatest sacrifice *exclusively* from them, and *not from the other classes of the Population*, even if such a sacrifice were beneficial to the Community. I contend, however, and am ready to prove," (adds your Lordship,) "that the sacrifice would bring ruin upon ALL classes; and the truth cannot be too frequently repeated, or too forcibly urged, that no class of Society can benefit by the adversity of another, and that *no Government* has or can have the *right* of plundering one portion of the *Community for the profit of another*." (LETTER ON THE CORN LAWS, p. 17, 1826.) But when the Property of the National Creditors is to be laid "*violent hands on*," as Lord Goderich says, then you assert that *Parliament* has both the *Power* and the *Right* to dispose of the Property of THAT "*class of the Population*." To prove that Parliament has the *Power* to *reduce* the Dividends of the Fundholders, you allege that Parliament exercised that *power* when it imposed the Property Tax. (A Proposed Address to *His Majesty*, p. 44, 1821.) And to prove that Parliament has the *right* you say, "It was never yet imagined that Parliament, which for the benefit of the People possesses the most extensive *powers*, had not the *right* to alter and amend, as it frequently does, *any Laws* that it has made." (Ibid.)

Again, you assert, not only that all *Acts* of the Legislature may "be repealed by the authority, and according to the *discretion*, of the Legislature" (Ibid. p. 34); but also that the Parliament has already *broken its Faith with the National Creditors* in the matter of the Bank Restriction (see note at p. 3 in this Address); that his Majesty's Ministers have done the *same* in respect to the *Sinking Fund*, and that the *same Principle* which justified the violation of the Public Faith in regard to the Sinking Fund, would justify also the *diminution of the Dividends*. (Ibid.) We all know, my Lord,

that *all* Acts of the Legislature may "be repealed by the authority, and according to the discretion, of the Legislature."* We all know too, my Lord, that the *Landowners* are *inherently* and *inevitably* the *Legislators*, and that, conscious of their Power to *enforce* whatever Laws they enact, they assert the Authority, and *believe* they are endowed with the *exclusive* right, to *RULE*. In your Proposed Address to his *Majesty* in 1821, your Lordship triumphantly and *rightly* asserts, "It is to *REAL* Property that the *Influence* belongs"—that "the *Fundholder* does not possess, and therefore cannot exert, the Influence which is *enjoyed* by the *Landed Proprietor*. If any doubt could be entertained upon this point," says your Lordship, "it would be removed by comparing the Weight and Influence which the one and the other could command at a County Election, or at a *County Meeting*."* YES, my Lord, we all know the *Weight and Influence*

* "With respect to the higher orders of Society," (says your Lordship, in your Proposed Address to *His Majesty*, p. 22,) "it has been shewn, in a manner the most luminous and philosophical, and by principles which are as important in themselves as they are fertile in their consequences, that no State can be secure in which Constituted Authority does not receive from Property its due support. We forbear to recapitulate arguments which we might weaken by repetition, and which do not perhaps admit of being strengthened, but we cannot too forcibly represent to *your Majesty*, that if the just and proper influence which belongs to Real Property should be destroyed, the safety of the State itself must be endangered."

Doubtless your Lordship is perfectly right. "*Constituted Authority*" should "receive from *Property* its due support."—"If the *just and proper* influence which belongs to *Real Property* be destroyed, the safety of the State itself must be endangered."

Doubtless your Lordship is right, that the *Landowners* should be the *Legislators*, and that not only because it is natural to expect that *those Persons* whose Interest is fixed in the soil of the Country will have the prosperity of the Country most at heart, but the Public weal requires, in addition to good Governors, a *stable form* of Government; and the Authority can be, *for the main part*, placed in no other hands than the *Landowners*, to constitute a *stable form* of Government.

So also, for quite as good reason, *my Lord*, the Property of the *Church* ought to continue in the Land, the Revenue of the Clergy ought to have "due" respect to, and to *keep pace* with, the value of *Land*, or the Independence of the Clergy will be at an end; the Clergy will no longer be

which belong to REAL PROPERTY. We all know that the *Land-owners* are the *Lawmakers*, and that they have the *Power* to make

"a mean to keep Nobility lovingly in awe"—will no longer be a "bridle" to Noble Folk "to correct such excesses in them as whereunto their courage, state, and dignity make them OVER PRONE."

"We wish," says your Lordship, in your Proposed Address to His Majesty, "that a liberal and independent provision should be made for the Ministers of Religion, whose emoluments are too often scanty and insufficient, and whose duties are above all others the most important. For the interests of Religion, *for the dignity and advantage of the Established Church*, they ought not to be placed in a situation which may involve them in disputes about temporal concerns with those who are committed to their spiritual care. A commutation of Tithes has been frequently and forcibly recommended; and it was, *we understand*, the wish of the late Mr. Pitt that the Ministers of the Established Church should be supported by Salaries from the State. In that wish *we* entirely concur, if those Salaries were paid from Taxes imposed equally upon all descriptions of Capital, and if they were to be increased *from time to time* according to the alterations in the value of money."—A Proposed Address to His Majesty, p. 45.

Your Lordship's Proposal "*for the Dignity and Advantage of the Established Church*," is, *first*, to confiscate the Property of the Established Church, and then to place her Ministers in the condition of Parish Paupers—for the Bishops to go, Mitre in hand, to "*the State*" to beg for an increase of their allowance, when "*the price of Flour is Six pounds per Sack, and the price of Malt twelve shillings and sixpence per Bushel*."

Doubtless your Lordship has a *very clear apprehension* which *Class* of the community would be the gainer, and I believe exclusively the gainer, to the cost of all the rest, by "a Commutation of Tithes." Peradventure *no one better knows than your Lordship* who would pounce upon the Spoil!

Your Lordship is "one of those *old-fashioned* Tories who wish that all Rights may be respected, all Property may be secured, and that *ancient Institutions may be preserved*!"—"Facts," says your Lordship, "are stubborn Things."—"The Tree is judged of by its fruits." See above, pp. 100, 103.

But what better Right, either *legal* or *moral*, has your Lordship to call for "a Commutation of Tithes," than "*the Ministers of the Established Church*" have to call for a Commutation of Rents? Can your Lordship deny that the title of the Established Church to the Tithes is of as old a date, and on every ground as indefeasible, as the title to any other Property?

The Property of the Established Church is *substantially* appropriated to the benefit of the Inferior Orders of the Community. Whom else have the

and to *unmake* Laws according to their own "*discretion.*" We all know that the Legislature has the *Power* to Reduce the Dividends of the National Creditors according to its own Will and Pleasure, because the Legislature has the Power to adjudge its own cause, and to put what construction it may choose upon its own Contracts; but it possesses *not* the *moral* Right to give an *unjust* Judgment. Your Lordship's *own* Doctrine is conclusive against you. "*No Government,*" says your Lordship, "*has, or can have, the right of plundering one portion of the Community for the profit of another.*"

In your Letter on the Corn Laws, you say you wish to preserve, without injury or molestation, the Inheritance of your Ancestors.* And why, my Lord, has the Government a better title to Reduce the Dividends of the National Creditors, in *violation of the National Faith*, than it has to injure or molest the Inheritance of the Land-owners?† The National Debt was contracted by the Government

Poor, to plead their cause with the Noble and Rich, but the Ministers of the Established Church? Who else have access to the Higher Orders of Laity, and have any opportunity and permission to remind them of their duty towards the lower Orders? Doubtless the *Dissenting Clergy* do their duty in their stations, but who, among the Nobility, takes any account of THEM? "The Poor have the Gospel preached to them;" but to lower the dignity of the National Clergy, by Confiscating the Property of the Church, would be tantamount to depriving the Noble and Rich of the same Privilege as the Poor. If the Ministers of the Established Church were as *dependant* for a livelihood as the Dissenting Clergy, pray, my Lord, how many of the Noble and Rich Laity would be *Heathen*? And if the Superior Orders become Heathen, *what* must be the condition of the Inferior!

* "To yourself, whose friendship I have so long enjoyed, I need not observe, that I have no party objects to pursue, and no personal ambition to gratify; that I am not desirous of power, of honours, or of public emoluments, but that I wish to preserve, without *injury or molestation*, the INHERITANCE of my Ancestors, and animated with an ardent zeal for the happiness and welfare of my Country.

"Excuse the imperfections, whatever they may be, and also the length of this letter, and believe that I am, with sincere esteem,

"Very faithfully yours,

"Chevening, November 10th, 1826."

"STANHOPE."

A Letter from EARL STANHOPE on the Corn Laws. J. Ridgway, 1826.

† In former ages as great an outcry was raised, although even more

for the protection of the Nation against its *Foes*. The Money was borrowed for the common protection of *all classes* of the commu-

unrighteous and graceless, to lay violent hands on the property of the National Clergy, as there is at this time to lay violent hands on the property of the National Creditors.

"It may be," says the Author of *Ecclesiastical Polity*, "men have now found out that God hath proposed the Christian Clergy as a prey for all men freely to seize upon; that God hath left them as the fishes of the Sea, which every man that listeth to gather into his net, may."—"Yet the public good of this Church and *Commonwealth* doth, I hope, weigh somewhat in the hearts of *all honestly-disposed men*." Book VII. § 24.

"Computations are made, and there are *huge sums set down* for Princes, to see how much they may amplify and enlarge their *own* treasure; how *many public burthens they may ease*; what present means they have to reward their servants about them, if *they please but to grant their assent, and to accept of the spoil of Bishops*."—"Thus albeit they deal with *one* whose princely virtue giveth them *small hope* to prevail in *impious* and sacrilegious motions, yet *shame they not* to move *HER ROYAL MAJESTY* even with a suit not much unlike unto that wherewith the Jewish High-priest tried *Judas*, whom they solicited unto treason against *his Master*, and proposed unto him a number of silver pence in lieu of so *virtuous and honest a service*. But her *sacred Majesty*,—her heart so far estranged from willingness to gain by pillage of that estate—*whereof she has vowed herself a protector till the end of her days on earth*, which, if Nature could permit, *we wish, as good cause we have, endless*." Ibid.

"If they [the Clergy] abuse the goods of the Church unto pomp and vanity, such faults we do not excuse in them. Only we wish it to be considered whether such faults be *verily in them*, or else but *objected against them by such as gape after spoil*, and therefore are no *competent judges* what is moderate and what excessive in them whom, under this *pretence*, they would spoil. But the accusation may be just. In plenty and fulness it may be we are of God more forgetful than were requisite; notwithstanding, men should remember.—If the remedy prescribed for this disease be good, let it *impartially* be applied.—Let all states be put to their moderate pensions: let *THEIR Livings and Lands* be taken away from them, *whomsoever they be*, in whom such ample possessions are found to have been *matters of grievous abuse*. Were this just? *Would noble families think this reasonable?* The title which *Bishops have to their Livings* is as good as the title of *any sort of men* unto whatsoever we account to be most justly held by them." Ibid.

[Again.

nity, and every Individual of the community contributes towards the payment of the Interest in proportion to the Taxes which he

Again. In the *Long Parliament* of 1640, "When the great question whether Episcopacy ought to be abolished, was debated," Edmund Waller, Member for Agmondesham [*Amersham*], in his Speech in the *House of Commons* upon that occasion, said, "I see some are moved with a number of hands against the Bishops."—"If they [the *Remonstrants*] prevail for an equality in things ecclesiastical, the next demand perhaps may be *Lex Agraria*, the like equality in things temporal."—"There are two reasons chiefly alleged against our church government.

"First, Scripture, which, as some men think, points out another form.

"Second, The abuses of the present superiors.

"For Scripture. I am confident that whenever an equal division of Lands and Goods shall be desired, there will be as many places in Scripture found out which seem to favour that, as there are now alleged against the Prelacy or Preferment in the Church. And as for abuses, where you are now, in the *Remonstrance*, told what this and that poor man hath suffered by Bishops, you may be presented with a thousand instances of poor men that have received hard measure from their Landlords."—"And therefore, Mr. Speaker, my humble motion is, that we may settle men's minds herein, and, by a question, declare our resolution —not to abolish Episcopacy."

Dr. Johnson's Life of Waller. Ed. 1781.

Does your Lordship flatter yourself that your Measure for Reducing the Dividends of the National Creditors by a breach of the Public Faith would END where you propose?

To Reduce the Dividends of the National Creditors by a breach of Public Faith, for the sake of the Public Weal, would, my Lord, be setting up a precedent of "equitable adjustment," which might, at no distant period, and from the same laudable motive, the Public Weal, be put in practice against yourself. For, would it not be as conducive to the Public Weal, and as "praiseworthy" in the People, to demand a Law for a more equal distribution of Landed Property, as for the Parliament to make a Law "to lay violent hands on the National Debt"?

"The Principal thing for a Governor to take care of is, that each Individual be secured in the quiet enjoyment of his own, and that private Men be not dispossessed of what they have, under a pretence of serving and taking care of the Public," CICERO's Offices, Book II. Chap. xxi.

"THOSE, who designing to curry their [the Populace] Favour, attempt new Laws about the levelling Estates, so as to force the right Owners from their Lawful Possessions, or propose to make Creditors remit all the Debts

pays to the Government. The Money was borrowed for the protection of the Property both of the Borrowers and the Lenders,

which in *justice are due to them*, plainly undermine the two principal Pillars and Supports of the Government. In the *first* place, *concord* and *unity* amongst the citizens, which can never be kept up whilst some are deprived of what is justly their Due, and others discharged from the necessity of payment. *Secondly, Justice*, which immediately must sink into ruins and nothing, if Men cannot be secured in the Possession of what is their own; for *that* is the chief *end* and *aim* of Men's gathering into Societies, and building of Cities, that each one might freely enjoy what is his Right, without any Danger or Fear of being deprived of it." CICERO's *Offices*, Book II. Chap. xxii. Translated by Dr. Cockman. Ed. 1739.

"As to the Project of forgiving Debts, I can see no Reason in the World for it, unless it be Reason *that another should buy Land with my Money*, and that he should have the Land, but I never have my Money." Ibid. Chap. xxiii.

"Care ought, therefore, to be taken beforehand to keep People from running so much in Debt as may bring any Damage or Inconvenience to the Public, and not *when they are in* to oblige the Creditors to lose what is *their own*, and let the Debtors gain what in Justice is another's; for nothing so cements and holds together in union all the Parts of a Society as FAITH OR CREDIT, which can never be kept up unless Men are under some Force and Necessity of *honestly* paying what they owe to one another. This Design of having Debtors excused from Payment was never attempted with greater Eagerness than whilst I was Consul. Men of *all* Ranks and Degrees in the State *took up Arms* and formed Camps for the bringing it about, whose endeavours I resisted with so much Vigour, as that the Republic was soon delivered from so *pernicious an Evil*. There never were known greater Debts in the City, nor ever more easily and *Faithfully* paid."—"It is true, there is *One* who has since been a *Conqueror*, (*though then he was conquered by my vigilance*,) that has found out means to effect these designs at a time when they would bring *him* no manner of advantage. [*'Caesar made the Creditors lose a fourth Part of their Due;*'] but such an Inclination had that Man to Villany, that the bare doing it was a Pleasure to him, without any other Invitation in the World. The *Sum*, then, of what has been said is this; that *such* as Design for the *Good of the Republic* must be sure to avoid THIS sort of *Liberality* which takes away from one what it gives to another, and must consequently make it their Principal care to uphold *each Member in his proper Rights*, according to the Principles of Justice and Equity."—Ibid. Chap. xxiv. pp. 216, 217.

and the Lenders [*the National Creditors*] contribute their *full proportion towards the payment of their own Interest*. But who were the Borrowers? Your Lordship and Mr. Cobbett both know that the LANDOWNERS were the Borrowers—THEY contracted "*the Debt*." You both know that "*it is only to Real Property that the Influence belongs,*" that it is THIS Influence which constitutes the Landowners the Sovereign Power of the State. They make War by their own Authority, and borrow money to carry it on with by their own Authority. Your Lordship and Mr. Cobbett both very well know it was the Landowners themselves that borrowed the Money of the National Creditors to preserve their *own* Lands. Without that Borrowed Money their Lands could not have been preserved to them. By that borrowed Money "*the INHERITANCE of your Ancestors*" was preserved for you, and is now in your free possession, uninjured and unmolested. Yes, my Lord, while thousands and thousands of Fundholders and Annuitants, and other persons who possessed not the means to increase their Income, were reduced to penury and destitution through the burthens imposed on them, and through the high price of every article of subsistence in consequence of that War, the INHERITANCE of your Ancestors was preserved for you, and preserved not only undiminished, uninjured, and unmolested, but the Rental is augmented—augmented, I have no doubt, by *thousands of pounds in consequence of the War*; yet you are unceasingly using your utmost endeavour to *Reduce* the lawful and *just* INTEREST due to the National Creditors, without whose Money your Father's Money must have been expended, or else a considerable portion of that *Inheritance* since descended to you, must have been sold to defray the Expense of the War to defend the *Remainder* of it. With what colour of Justice, then, as a Landowner—with what pretence to consistency, as an old-fashioned Tory, who wishes that all Rights may be respected, and that all Property may be secured—with what notions of right or remembrance of benefit, can your Lordship propose a Reduction of the Dividends of the National Creditors?

To those who are acquainted with *your history* and your connexions, who know to *whom* you are related, your misconception of Justice must appear still more extraordinary, your virulence and invete-

raey against the National Creditors still more unaccountable and unnatural.* How large *Sums*, my Lord, have *your Relations* received out of the *Public Purse*? How many Thousands of Pounds have your near Relations received of that Borrowed Money which you are incessantly insisting on the *equity* of Reducing the Interest of, which the Borrowers have expressly and solemnly stipulated to pay for the use of it? How many Hundreds of Pounds in Wages and Emolument have you *yourself*, my Lord, received out of the *Public Purse* since you *left* Chevening in the year 1801, and *took Office* under *Government*, until you succeeded to the Family Estates on the death of your Father in 1816?

When your Lordship and your Brothers and Sisters took leave of Chevening to commend yourselves to your Relation, Mr. Pitt, your Brothers were trained up and appointed to defend the Country against *external Foes*, while your Lordship, *exclusively*, was trained up for the Arena of the Senate—an *old-fashioned Tory*—to put “*hors de combat*” internal Foes, to confound and astound *Whigs* and *Reformers*!

Who, that knows your history, but would have thought you would be amongst the last persons who would propose to lay violent hands on the Property of the National Creditors?

Have not you, my Lord, got exclusively to yourself the *whole* of your Father's Estates, uninjured and *unencumbered*? Can you have forgotten that every one of your five Brothers and Sisters had Pensions for Life, amounting to *Three thousand six hundred pounds a year*, settled on them by the COUNTRY, on the death of Mr. Pitt, in 1806, as a token of regard and a remembrance of his *SERVICES*?

Who, then, that knows your Lordship's history, would ever have imagined that, under the idea of patriotism and philanthropy, under

* “But to what did the Argument of the Noble Duke amount at best? It never was contended by any person that every man in the country was in a distressed situation.”—“Who had ever said that the *Fundholders* and *Annuityants* were distressed? They might continue to flourish like *rank and noxious weeds* among the general ruin that surrounded them.”—Extract from *Earl Stanhope's* Speech in the *House of Lords*, Feb. 25, 1830.—*Morning Herald*, Feb. 26.

the plea of the *public weal*, you would have proposed for the enactment of the Legislature a similar Measure to Mr. Cobbett's "*Equitable Adjustment*"? How must your Lordship's "*noble and learned Friend on the Woolsack*" have been *shocked* that the adopted, favourite, political *Foster-child* of Mr. Pitt, the *Atlas* of Public Credit, had come to be a *fellow-labourer* with Mr. Cobbett in advocating that most disreputable Project!*

To disseminate such erroneous doctrine on the construction and fulfilment of Contracts is a Public Injury, and it is performing a Public Benefit publicly to refute it. Who, amongst your Lordship's "*Noble*" Friends, and who else that has any Friendship for you, but would be glad to hear that you were reclaimed from your *error*? May the Arguments and Animadversions herein contained have enabled you to see your conduct towards the National Creditors in its true light. May the *proofs* herein adduced to shew you the injustice that would follow the adoption of your Proposed Measure of "*The Manner of Debts and Contracts Paying*," have rectified your notion of Equity in the fulfilment of *specific* Contracts in cases of Public and Private Debts.

Having now done my best endeavour to shew your Lordship *Right* where you have missed your aim, and have gone out of your way in your construction of *Positive* Agreements between Debtors and Creditors, I proceed to state what I had prepared to Address to the Referees and to your Lordship, in vindication of my *rate* of Charge to you, on the ground of an *Implied* Agreement: namely, that as you set me to *work* without making any inquiry about my terms of charge, that after you had got your work done to your satisfaction, and had received my Bill for it and kept it eleven months unnoticed, you had then no right to object to pay me a price which was even below my customary charge to *my other Employers*, and which they were content to pay me.

* If Mr. Pitt had been living when your Lordship published your "*Proposed Address to His Majesty*," to recommend to *His Majesty* a Breach of Faith with the National Creditors, by whose Money the Nation had been saved from Anarchy and Desolation, what a LESSON would THIS have been to Mr. Pitt!

In my Letter of Explanation to Earl Stanhope upon his Lordship's objecting to pay me my Bill, I stated the price which I had been paid by the neighbouring Gentlemen, who were also his Lordship's neighbours. To this statement Earl Stanhope replied as follows :

"As to the Charges which you state to have been paid by some Gentlemen in this neighbourhood, that circumstance does not alter Earl Stanhope's opinion upon the point, and need not regulate his conduct." (See p. 34.)

Doubtless in such an *affair as this*, Earl Stanhope's own Pleasure *need* be his only Rule to regulate his conduct by ; and the Reason why Earl Stanhope *need* regard no other Rule, or render any other explanation of his conduct, has been very clearly elucidated by his Lordship himself in *another place*.

In his Lordship's "*Proposed Address to his Majesty on the Distress of the Country in 1821*," after dwelling upon various subjects of complaint, his Lordship observed to this effect : "We might now exhibit to your *Majesty* a long and lamentable Catalogue of various other Grievances." We might complain of the evils which are suffered by the *delay and expense of Legal Proceedings*. We might observe, that such delay and such expense may tend to afford impunity to Crime, and *encouragement to Injustice*. "In *Civil Causes* the Expense of obtaining *Redress* is frequently greater than the *Redress* when obtained." I am aware of this *Grievance* as well as Earl Stanhope is. The little chance which the Injured have of getting *Righted* in a Court of Law, is, indeed, a *Grievance* of such a character and *notoriety*, that Earl Stanhope might well place **THIS** at the head of the lamentable Catalogue which his Lordship has particularized as requiring Legislative correction. It must be owned, indeed, that abuses in Judicature is an Evil of so *very long* standing, that it may be *suspected* to originate in a Principle too deeply rooted in Human Nature to admit a hope of *radical* cure ; yet, surely, much might be done by the *Legislature* towards its *amelioration*.*

* "In proportion as the decisions of the courts of judicature are multiplied in monarchies, the law is loaded with decrees that sometimes contradict one another ; either because succeeding judges are of a different way

"To you, ye Noble, Opulent, and Great, I call with friendly voice
and honest zeal,
Upon **YOUR** vital influences wait the Health and Sickness of the Public weal."

With you should Reformation *first* take place—you are the Head, the Intellectual Mind of this vast Body Politic—you possess the Knowledge of what, in ancient days, learned and good Historians, Bards, Philosophers, have taught; joined with whatever of modern date, maturer judgment, and more accurate search, have discovered of *safe* and *liberal* Polity. It is you who may by *New Laws* Reform the *Time-worn* State. Bethink you, then, ye **GREAT**, of the *Trust* reposed in you,

"And nobly rouse you to the *Task* assign'd,
The *Godlike Task*, to Teach and Mend Mankind."

This Address to the Great is not my own. The substance of it is extracted from an Address to the Great of a former Age. It was written by a Statesman, an intimate Friend of the Great Earl of Chatham,* but although addressed to the Great of the Reign of George II., it is *not out of season* for the Great of the present Day. At the *present Day*, and in a *Case like the Present*, I am aware, as well as Earl Stanhope is, that, however *Just* my Claims on his Lord-

of thinking, or because the same causes are sometimes well, and at other times ill, defended; or, in fine, *by reason of an infinite number of abuses, to which all human regulations are liable*. This is a necessary [an unavoidable] evil which the legislator redresses *from time to time*, as contrary even to the spirit of moderate governments."—*Montesquieu*, The Spirit of Laws, Book vi. Chap. i. By Dr. Nugent.

"Law is devised for the people; and as in the accumulation of its forms there may be introduced a number of technical terms, with which lawyers alone are familiar, it is right that in every particular trial *they* should be brought back, *if possible*, to the use of language which *all* men understand. *This* is the tenure by which *every* citizen holds his right, and it is proper that it should *not* be wrapped up in obscurities."—Dr. Ferguson, Moral Science, Part ii. Chap. vi. § 9.

* A Poem on Education. By Gilbert West, Esq.

ship may be, *such* are the Proceedings in Courts of Law, that the *Means* of Justice defeat the *End*.

If Earl Stanhope had refused to pay me any thing for my Work, however I might have felt myself aggrieved, I should have deemed it *advisable* to put up with the injustice, rather than seek *redress* from an *Assize Trial*. The Condition in which Suitors are generally observed to *come out of Court*, would have deterred me from seeking *redress* by any such means. Even, if I had been ever so disposed to be vindictive, I should never have thought of trouncing his Lordship in a Court of Law.

The *Law* is a *Labyrinth*, in which, if you enter, the most experienced Guides cannot tell whither they shall lead you, nor *where* nor *when* they shall bring you out.*

In the Intercourse of Mankind, the occasions of Dispute are not only so multifarious as to be *endless* in variety; but even among those occasions which are analogous, there are almost always some circumstances peculiar to each, which make one case differ considerably from another.

To Frame Laws, therefore, with Clauses to suit this variety of cases so as to *include* and *exclude*, according as Justice may require, there will commonly be so many turnings and windings of provisos and exceptions, so many technical distinctions of *quirks* and *quiblets*,† so many formalities to be complied with, to guard against *In-*

- “ Each pedant Sage unlocks his store
Of mystic, dark, discordant lore,
And points with tott’ring hand the ways
That lead me to the thorny maze.”

“ There in a winding, close retreat
Is Justice doom’d to fix her seat :
There, fenc’d by bulwarks of the Law,
She keeps the wond’ring world in awe ;
And there from vulgar sight retired,
Like eastern Queens, is more admired.”

Sir William Blackstone’s “ Farewell to the Muse.”

† Question. Whether *Justice* is more frequently disappointed through

justice, that there will always be danger of *Justice* being defeated in a Court of Law, through some mismanagement or some *untoward Incident*. Hence, too, there will commonly be so much Expense in preparations for the Suit, and at the Trial, in procuring and producing Witnesses—the Charges of Attorneys and their Agents to examine Evidence, to draw Cases, to prepare Briefs—of Counsellors for advice, Advocates to plead, Clerks to fee, and a multitude of &c.'s, too numerous to estimate or foresee; and, *after all*, it will be so great a *chance* whether THOSE who have to *decide* the Cause will understand the *Merits* of the Question, that a *Court of Law* is as much to be shunned as a *Gambling-House*. The similitude between these two Places has, indeed, been viewed under a still more unfavourable aspect; for the *Law*, as well as the *Gambling-House*, lies under the imputation of spreading *toils* for the feet of the Unwary, and its Practitioners of giving “*Forked Counsel*” to urge their Clients into the *snare*.

That there is occasionally as *foul-doings* in the *one Place* as in the *other*, as well as there are Tricks in Trade, and Tricks in State, and *unprincipled Work in Surveying*, cannot admit a doubt. But my argument does not require that the Faultless should be confounded with the Faulty. The parallel may be continued without impugning the *many* for the faults of the *few*. For, supposing fair play in both places, in the *one Place* it cannot be known which Party will win the Game until the Game is *played out*; nor in the *other Place* can it be known which Party will gain the Cause until the Cause is *tried out*. In the *one Place*, *Fortunes* are often ruined by *Fair Play*; and in the *other Place*, *Fortunes* are often ruined by *due course of Law*. There are, however, some particulars in which these Places are dis-

the defects in Law in the *first* stages of Society, than it is subverted by the refinements in the *practice* in the *most* advanced stage?

“Another great spring from which Injuries arise is some *quirk or cavil*, and an *over-subtle* interpretation of the Laws, whence that saying, *Summum Jus summa Injuria*—*The Height of Justice is the Height of Roguery*, is now become a daily and common Proverb among us.”—*Cicero's Offices*, by Dr. Cockman, Chap. x. ed. 1739.

similar. In a *Gambling-House*, the Parties know *before* they Play what Sums they risk on the chance of the Game. In a *Court of Law*, the Parties have no means of knowing what Sums may be Lost, until the *Game is over*. In a *Gambling-House*, the Parties play in Person, and the Winner takes up the Stakes. In a *Court of Law*, the Game is played by *Proxies*, and, whichever way the Game goes, *Proxies* take up the Stakes.

If, therefore, the *Plaintiff* has no better encouragement to seek redress in a *Court of Law* when the Parties are *Equals*, what chance of redress will there be when the *Small* sues the *Great*?

It was long ago remarked, that *Laws* are like *Cobwebs*, made to catch *small Flies*, but that *Great Ones* break through.*

The *Will* of the Strong is the *Law* of the Strong in their dealings with the Weak. This is the primitive *Law of Nature*, against which all Human ordinances, *when put to the test*, prove but a dead letter. To adjust the Balance fairly, and to hold it with an even hand between *Equals*, is the utmost that can be hoped for, from Human Institutions and Human Practice. It is in vain to expect that the *Small* and the *Great* can encounter *any where* upon equal footing. The *Thistle* that was in Lebanon challenged the *Cedar* that was in Lebanon, saying, *Come*, let us look one another *in the face*—and there passed by a *Wild Beast* that was in Lebanon, and *trode down* the *Thistle*.

From the Law, *Justice* is not to be had *without purchase*. In an appeal to the Law, although “Golden opinions are sold to all sorts of persons,” yet those Customers will be best served who pay the best price. In the Law, Arguments are kept to be let out to hire for all sorts of occasions; but the *Rich only* can have the best, because the *Rich only* can afford to pay for their hire.

It is in the Law, as in every other Profession, the Ablest Practitioners are entitled to the highest wages—and *their* services will be appropriated by the *Rich*, because the *Rich only* can afford to repay the cost of such acquirements, and the recompense for such labours.

* Plutarch's Life of Solon.

Are we then to conclude that the *Decision* in a Court of Law depends *more* upon the *Ability* of the Advocate than upon the *Merits* of the Cause? This much may be safely averred, that Justice is too liable to be bilked in a Court of Law by the *Ability* of an Advocate, for a just cause to ensure a just sentence.

We know that Talent and Principle are not necessarily linked together, and though they may be as often yoke-fellows in a Court of Law as elsewhere;* it is too much to *expect* that an Advocate will allow what makes for the Adversary's Cause to preponderate against the Interest of his Client, and so throw down his Brief for Conscience's sake.

If the *Practice* of a Calling be a true Exposition of the *Creed*, it must be inferred, Conscience will require him to do just the reverse; that to be true to his Trust, he must strive to his utmost to gain the victory.

It is universally understood that the Advocate, by his Office, undertakes to *vindicate* his Client, and that he is *bound* to be faithful to his engagement. If it were otherwise, what mean the technical phrases "*Aggravation*" and "*Extenuation*," which are so common in the Newspaper Reports of Law Proceedings, and which run in this style—Mr. Attorney or Mr. Solicitor-General was heard in *Aggravation*, and Mr. Sergeant *Such-a-One* in *Extenuation*? Why, then, this *opposite* leaning in the *opposite* Counsel, but that the Advocate's *Office* is *supposed* to be promiscuously to Plead for Right or Wrong, to bleach or to blacken, to colour and varnish, or to taint

* "*Judge Hale* would tell me that *Bishop Usher* was much prejudiced against *Lawyers*, because the *worst* causes find their Advocates; but that he and *Mr. Selden* had convinced him of the reasons of it, to his satisfaction; and that he did, by *acquaintance with them*, believe that there were as many honest men among *Lawyers*, proportionably, as among *any profession* of men in England, not excepting bishops or divines. And I must needs say, that the improvement of reason, the diverting men from sensuality and idleness, the maintaining of *propriety and justice*, and consequently the peace and welfare of the Kingdom, is very much to be ascribed to the Judges and *Lawyers*."—*Appendix* to Dr. Burnet's Life of *Sir Matthew Hale*. By *Richard Baxter*. Pp. 106. Edition, 1805. By Rev. T. Thirlwall, M. A.

and despoil, to blow hot or cold, as the occasion may require to serve his Client. If, however, this Practice exposes the *Profession* to some obloquy from the querulous—if it has occasionally subjected some of its Practitioners, of a peculiarly sensitive temperament, to qualms and misgivings, it is not to be wondered at.* That the *Losing Party* in a Cause should enter his Protest against this Practice in his *Adversary's Advocate*, must be expected. But the Question which will Rule the *general Practice* is THIS—Whether an Advocate, for *either* of the contending Parties, could satisfy his *own Client* by a contrary course, and whether *any* other course would obtain the suffe-
 ran-
 ce of the Judge, or even escape the reprobation of the Audience? It is obvious that to *each* of these points, the answer must be in the *negative*.

In respect to the *First*. However unfair a Client might think such dealing in the Advocate for his *Adversary*, it may be fairly assumed he would think his *own Advocate* had not done his duty, if it appeared to him he had not done his best to make reprisals.

And as to the *Judge*. Impartiality in the *Bar* were an anomaly in Judicature, which could never be tolerated by the *Bench*.

To *forestall* the Judge in his *Summing up* were to prove to his Face that his Office is *needless*. This were to leave the Judge nothing to do but to assent to the Advocate's Inferences, as they occur in the course of his Harangue; to say ditto, ditto, as he proceeds, and AMEN, at the close.

Lastly. In regard to the *Audience* assembled in a Court of Law. Not to say that the greater part of the Audience come there as much

* *Sir Matthew Hale's father*, who was also a Lawyer, "was a man of that strictness of conscience, that he gave over the practice of the Law because he could not understand the reason of giving *colour* in pleadings, which, as he thought, was to tell a lie, and that, with some other things commonly practised, seemed to him contrary to that exactness of truth and justice which became a Christian, so 'he withdrew himself from the Inns of Court to live on his estate in the country.' Of this I was informed by an ancient gentleman that lived in friendship with his son fifty years, and heard Judge Jones, who was Mr. Hale's contemporary, declare this in the King's Bench."—Bishop Burnet's Life of Sir Matthew Hale.

for the sake of enjoying the Encounter, as to be instructed by the Issue of the Contest, and, therefore, would be hugely disappointed not to be treated at least with a *Sham Fight* in the wordy warfare.*

* "*Disputes*," says Dr. Watts, "often arise in good earnest, where the two *Contenders* do really believe the different Propositions which they support."—"Sometimes they are practised, and that with *appearing Fervour*, in Courts of *Judicature* by *Lawyers*, in order to gain the Fees of their different Clients, while *both sides*, perhaps, are really of the same sentiment with regard to the Cause which is tried."—*Improvement of the Mind*, Chap. x.

"The talent of speaking readily on either side of *any* question," says Dr. Beattie, "may be of use to *Lawyers*, whose business it is to say for their Clients *every* thing that can be *plausibly* said."—*Moral Science*, Part iv. Chap. ii. § 1005.

"There are *falsehoods*," says Dr. Paley, "which are *not lies*, that is, which are *not criminal*. Where no one is deceived, *which is the case*—in an *Advocate* asserting the justice, or his belief of the justice of his client's cause. In such instance *no* confidence is destroyed, because *none was reposed*; no *promise* to speak the truth is violated, because *none was given or understood to be given* !!!—*Moral Philosophy*, Book i. Chap. xv.

But Justice may be *Legally* disappointed in a Court of Law by another cause of common occurrence, besides that of telling falsehoods, which are not lies there.

The Lawyer's province is *Municipal Law*. In Court, he is bound to refer his Client's Case to the *Law of the Land*—to Legal Justice and not to "*Immutable Justice*," and whenever *THESE* are *not* in concord, he is bound, by his vocation, to assert the *supremacy* of *Legal Justice*, and not to recognize any other authority *THERE*.

Some time after writing the above remarks on Law and Law Proceedings, for my intended Address to the Referees, I happened to purchase the Rev. Mr. Gisborne's "*Inquiry into the Duties of Men in the Higher and Middle Classes of Society*." In this work the Rev. Author has expressed his *dissent* to the above Maxim of the Forum, *namely*, that, in Pleadings in a Court of Law, an Advocate is privileged to assert *falsehoods*, because falsehoods are not lies there.

"He is not at liberty," says the Rev. Author, "to assert *any* false proposition, nor to urge as a fact what *he knows* never to have taken place."

"He will reflect that *exaggeration*, however it may have been defined by the masters of rhetoric, generally proves, according to modern usage, *but another name for falsehood*."

What, then, will the *Audience* think of an Advocate who takes *wages* to justify ONE Party, and then *calls* upon the Jury to Pronounce for the OTHER? Conscience, and Honour, and Glory, and Interest, forbid the Practice.

It will be in vain, therefore, to expect *Equal* Justice between *Unequals* in a Court of Law. For while Money will command service, Gold will be the *key* of the Law, as well as the *sinews* of War. The Maxim, *No Money, no Justice*, will hold as good in Litigation as that of "*No Money, no Switzers*," does in Warfare. Lawyers, like Soldiers, and Practitioners in *all* other Callings, *as well as Survoyors*, cannot afford to do *Duty* without *Pay*, and they will ever strive hardest for those who, they expect, will pay them best.

"He will not strive to impose on the ignorance of the Jury, nor *entrap* them into the service of his Client."—"In urging legal arguments, as well as in relating transactions to them, he will study to lay every particular before them with *fairness* and *perspicuity*; and in such a manner as he deems most likely to put them into possession of the *true nature of the case*."

"He will spontaneously *undecieve* the Court, if he should discover its members to entertain conceptions of the matter before them in *any* respect erroneous, though he should foresee that his ingenuousness will be *disadvantageous* to his cause."

An Inquiry into the *Duties of Men* in the *Higher and Middle* Classes of Society in *Great Britain*, resulting from their respective Stations, Professions, and Employments. By Thomas Gisborne, M. A., Vol. I. pp. 372, 375, 376. 6th Ed. 1811.

Yet, although the Rev. Author of this invaluable Book has prescribed the above restrictions to the Advocate in a Suit at Law, he *notwithstanding* holds it to be the *duty* of the *Advocate* to take *advantage* of an oversight, or want of skill in his *Adversary*, and to avail himself of a *defect* in the Law to *serve his Client*, although to the disappointment of "*Immutable Justice*." He asserts, that in adopting this line of conduct, the Advocate is *guiltless of injustice*, because the weapons which he uses are recognized by the rules of *fair and honourable WAR*. In proof of this Practice being the Advocate's DUTY, he argues as follows:—"Although *occasional* evils may result from the universal and *invariable* application of *established Laws*, he [the Advocate] may conscientiously demand, under *any circumstances whatever*, a decision conformable to THEM, not merely because the universal and *invariable* application of *them* is essential to the *due* distribution of justice, *because the Nation has avowedly consented* and resolved to acquiesce in

In the view, then, here presented of Proceedings in Courts of Law, it is clear that the Ancient Remark still holds good, namely, their decision of all questions to which they are *meant* to be applied.—“ Let it be remembered that the *standard* to which the Advocate refers the *cause of his Client* is not the Law of Reason, nor the Law of God, but the *Law of the Land*; and that he appeals no farther to the Law of Reason and the Law of God than as they are incorporated into the *Law of the Land*; that his peculiar and *proper* object is *not* to prove the *side* of the question which he maintains *morally* right, but *legally* right; that the *Law* offers its protection *only* on certain *preliminary* conditions; that it refuses to take cognizance of injuries, or to enforce redress, unless the one be proved in the *specific* manner, and the other claimed in the *precise* form, which the *Law of the Land* prescribes; and consequently, that *whatever* be the Pleader's opinion of his cause, he is *not guilty of any breach of truth and justice* in defeating the pretensions of the persons *whom he opposes* by evincing that they have *not* made good the terms on which *alone* they could be *legally* entitled, on which *alone* they could *suppose* themselves entitled, to success.” —Pp. 333—335.

☞ It ought to be here especially noted, that although the Rev. Author of this excellent Book has said, (as quoted above,) that the *standard* to which the Advocate refers the case of his Client is not the Law of Reason, nor the Law of God, but *the laws of the Land*” (p. 334); and “ that he may conscientiously demand, under *any circumstances whatever*, a decision conformable to them” (p. 333); yet the Rev. Author has expressly stated, (p. 335,) “ Cases may frequently occur in which an Advocate would be highly blamable were he to undertake the defence of the cause proposed to him, though by defending it he should *violate no precept of justice*. If, in consequence of facts communicated to himself, or through circumstances established by public notoriety, a cause should present an aspect so dark as to leave him no reasonable doubt of its being founded in iniquity or baseness, or to justify *extremely* strong suspicions of its evil nature and tendency, *he is bound in the sight of God to refuse all connexion with the business*; and if he finds himself inadvertently entangled in it, to relinquish it without delay.”—P. 336.

The Rev. Author proceeds, (p. 384,) “ The Lawyer, in the exercise of his peculiar functions, is avowedly the advocate of *one* side of a question. It is his *known* office to allege, *within certain limits*, every thing which he judges *likely* to conduce to the *success of his cause*, and, under *similar restrictions*, to raise every objection either in point of fact, or of *probability*, or of *form*, by which he may *hope to impede or to prevent the success of the opposite party*.” [Again :

that *Laws* are like *Cobwebs*, too strong for the Weak, too weak for the Strong. But if the *Laws* will not protect the Weak against the oppression of the *Strong*, the Weak have no other protection but the *sense of Right* and the regard for Justice in the *Strong*. Whence it follows, that it is the *Prerogative* of Persons of Earl Stanhope's *Rank and Wealth* to regulate their Conduct by no other Rule than *their own good Pleasure*, whatever that may chance to be, in their Dealings towards those below them, when there is so great *Disparity* between the Parties, as there is between the *Parties here at issue*. Where there is so great *Disparity* between the Parties, however *unjust the conduct of the Superior* may be, for the *Inferior* to seek Redress by any *Hostile Measures*, is but to court *additional Injury*. The Mighty are a Law unto themselves in their dealings with their little neighbours, because they can use their *Might* in so many ways to injure the *Powerless* with Impunity. Wherever the Strong and the Weak have counter-interests, the Weak cannot choose but give place to the Strong: they have no alternative but submission or discomfiture, retreat or overthrow. This condition of the Weaker Party is *inevitable*. It is founded on the necessity of submitting to a *lesser* wrong, in order to escape a *greater*; on the same Principle as the *Minority* are bound to submit to an unjust Dictation of the *Majority*, and the *Weaker Sex* to defer in like case to the *Stronger*; on the necessity of submitting to a *lesser* wrong in order to escape a *greater*. It is the universal Law of Nature that the *Interests* and the *Rights* of the Weaker party *must* give place to

Again, at page 371: "He is avowedly the advocate of a *particular* side of the question. The Judges, the Jury, the *Parties involved in the Dispute*, the *whole Audience* before whom he pleads, the *Public*, whose interest is always concerned in the *final decision*, consider him *acting in that capacity*."—"They expect him to *take advantage of informalities and errors* in the *proceedings* of his *adversaries*, so far as he is fairly authorized by *law and custom*."

"In adopting a line of conduct corresponding to these *not improper* expectations, he is *guiltless of injustice* and deceit. The *weapons* which he uses are recognized by the *rules of fair and honourable war*; and he has a right to handle them as powerfully as he is able."—Inquiry, &c., Chap. ix. p. 372.

justice, that there will always be danger of *Justice* being defeated in a Court of Law, through some mismanagement or some *untoward Incident*. Hence, too, there will commonly be so much *Expense* in preparations for the Suit, and at the Trial, in procuring and producing Witnesses—the Charges of Attorneys and their Agents to examine Evidence, to draw Cases, to prepare Briefs—of Counsellors for advice, Advocates to plead, Clerks to fee, and a multitude of &c.'s, too numerous to estimate or foresee; and, *after all*, it will be so great a *chance* whether *THOSE* who have to *decide* the Cause will understand the *Merits* of the Question, that a *Court of Law* is as much to be shunned as a *Gambling-House*. The similitude between these two Places has, indeed, been viewed under a still more unfavourable aspect; for the *Law*, as well as the *Gambling-House*, lies under the imputation of spreading *toils* for the feet of the Unwary, and its Practitioners of giving “*Forked Counsel*” to urge their Clients into the *snare*.

That there is occasionally as *foul-doings* in the *one Place* as in the *other*, as well as there are Tricks in Trade, and Tricks in State, and *unprincipled Work in Surveying*, cannot admit a doubt. But my argument does not require that the Faultless should be confounded with the Faulty. The parallel may be continued without impugning the *many* for the faults of the *few*. For, supposing fair play in both places, in the *one Place* it cannot be known which Party will win the Game until the Game is *played out*; nor in the *other Place* can it be known which Party will gain the Cause until the Cause is *tried out*. In the *one Place*, *Fortunes* are often ruined by *Fair Play*; and in the *other Place*, *Fortunes* are often ruined by *due course of Law*. There are, however, some particulars in which these Places are dis-

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“Another great spring from which Injuries arise is some *quirk or cavil*, and an *over-subtle* interpretation of the Laws, whence that saying, *Summum Jus summa Injuria*—*The Height of Justice is the Height of Roguery*, is now become a daily and common Proverb among us.”—*Cicero's Offices*, by Dr. man, Chap. x. ed. 1739.

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If, therefore, the *Plaintiff* has no better encouragement to seek *redress* in a *Court of Law* when the Parties are *Equals*, what chance of *redress* will there be when the *Small* sues the *Great*?

It was long ago remarked, that *Laws* are like *Cobwebs*, made to catch *small Flies*, but that *Great Ones* break through.*

The *Will* of the Strong is the *Law* of the Strong in their dealings with the Weak. This is the primitive *Law of Nature*, against which all Human ordinances, *when put to the test*, prove but a dead letter. To adjust the Balance fairly, and to hold it with an even hand between *Equals*, is the utmost that can be hoped for, from Human Institutions and Human Practice. It is in vain to expect that the *Small* and the *Great* can encounter *any where* upon equal footing. The *Thistle* that was in Lebanon challenged the *Cedar* that was in Lebanon, saying, *Come*, let us look one another *in the face*—and there passed by a *Wild Beast* that was in Lebanon, and *trode down the Thistle*.

From the Law, *Justice* is not to be had *without purchase*. In an appeal to the Law, although “Golden opinions are sold to all sorts of persons,” yet those Customers will be best served who pay the best price. In the Law, Arguments are kept to be let out to hire for all sorts of occasions; but the *Rich only* can have the best, because the *Rich only* can afford to pay for their hire.

It is in the Law, as in every other Profession, the Ablest Practitioners are entitled to the highest wages—and *their services* will be appropriated by the *Rich*, because the *Rich only* can afford to repay the cost of such acquirements, and the recompense for such labours.

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made but *One* share of the whole, reserving only a *few of the entrails for himself*. The Lion highly approved of *this way of Distribution*; "But, prithee, Reynard," says he, "who taught thee to carve?" "Why truly," says the Fox, "that *Ass* there lying before me was my Teacher." *The feelings of those who cannot retaliate Injury are little regarded. Those who cannot make reprisal are injured without remorse.*

Here we see the *Lion* was just as regardless of the feelings of his *underling Associates*, as the whole Party were of the feelings of the Stag which they had worried and made their prey. *Every where* Those who possess not the means of redress, must put up with wrongs. *Every where* the *Strong* assume that the *Weak* were made only for their use. It is among the Human Species, savage or civilized, as it is among their *Counterparts* in the Forest, where the *Prey* and the *Spoiler are made for each other*.* It is with the same sense of *Right* that the *Hawk* asserts his Prerogative when passing a Pigeon-house; and that the *Lord of the Manor* seizes his Heriot. It is given to the *Mighty* to have their will of the *Defenceless*. Which of the *Small Birds* can give umbrage to the *Eagle*, and quietly perch in the Eagle's Domain? In *every Community* it is the *fate* of the Inferior Members to be subservient to the Superior. In *every Vicinity*, the Domination of the *Great* over the *Small*, is the condition of their Intercourse, and the bond of their union. In *every Vicinity*, the *Small* must cower to the *Great*, not to be treated as an *Alien*, and scowled upon as an *Interloper*. Whoever lives in a Cot hard by so *Powerful a Neighbour*, to obtain his sufferance he must submit his neck to the yoke, and range himself under his Banner. To live in peace, he must neither gainsay his opinions, *nor refuse to aid his purposes*; must do Homage, and pay Suit and Service, as the price of his forbearance.

This condition is the unavoidable consequence of *Inequality*. It is inevitably Incident to the society of the *Strong* and the *Weak*; the materials of which all Communities are, and *must be*, composed.

The Intercourse between the different Orders in a Community, and also between Unequals, amongst Individuals of the same Order, is a perpetual exemplification of this Doctrine.

* As the wild Ass is the Lion's prey in the wilderness, so, &c. Eccus. xiii. 19.

If there is any truth in *History*, or any proof in *Experience*, the *Weak* are every where the Property of the *Strong*. Whether a dispute arises between Sovereign States or Private Individuals, when it comes to the Trial, *Might* is ever an overmatch for *moral Right*.

Since the World began, was there ever yet any controversy, about either Opinion or Pelf, in which, with so great disparity between the Disputants, the Stronger Party, whether Right or Wrong, did not virtually carry his cause; in which, whatever might be the merits of his Case, or the Justice of the Sentence, the weaker party was not sure to be ultimately worsted by the Conflict? Let Earl Stanhope ask *himself* what chance he could have in *any* Case, to get redress, or to gain a cause, in the Court of Equity, if the Treasury Influence were pitted against him?

Or, let his Lordship try his Luck in the Senate. Let his Lordship *Move* for the Abolition of Negro-Slavery* in our West and East Indian Colonies, specifying in his Motion *any definite Period* on this side of the Day of Judgment for Emancipation to take place; or at least any period earlier than the commencement of the Millennium. Or, let his Lordship move for the abrogation of that most absurd of all Laws, "The greater Truth, the greater Libel"—the strong hold of State Abuses, and the main root of all other abuses of Power, because Public Opinion is the *only* check which the Weak have against the oppression of the Strong. And, according as his Lordship's success shall prove on such an occasion, so let him judge (and he will not fail to judge aright) of what chance any one of his little neighbours stands to carry any Point, or to obtain Justice against himself, in *any* Case in which his Lordship shall withhold his neighbour's due, and disallow his claim.

Suppose Earl Stanhope had to contend against the CABINET on a Question which concerned him as much as the present Accusation concerns me, and in which the Cabinet was in the Wrong, and his Lordship Right. Earl Stanhope would then find himself in the same predicament with respect to the Cabinet, as I am now placed in respect to his Lordship. That is, the Cabinet would do just as the Cabinet pleased, and his Lordship might do as he could.

* This was written previous to 1827.

"The Inferior," says Epictetus, "in whatever Instance it is the inferior, must be conquered by the Superior." (*Discourses*, Book III. Chap. xxii. Sec. 14.) A Snake having got into a Blacksmith's shop, was wounded by a File, which he happened to graze against. At first he began to *Hiss*, remonstrating, in his way, for the unkindness he had received ; but finding his Hissing was unheeded, he endeavoured to return like for like, and fell to biting the obdurate offender with all his might ; but which had no other effect than to break his own teeth. Here we are taught what comes of resenting injuries from Superiors ; the uselessness of remonstrating, or contending with Insuperable Power ; the folly of attempting to retaliate on the Invulnerable ; for how should one who cannot be wounded himself have any sense of what the wounded feels ? The Invulnerable must necessarily be Insensible. It is a kindred interest only that inspires kindred sentiments. It is fellow *suffering* only that begets fellow feeling.

"Whate'er or Sages teach or Bards reveal,
Men are but men, and learn but when they feel."

Man is so constituted, that he *must* have *wants*, and must suffer *wrongs*, to regard or to understand the wants and the rights of others.

When Orestes was arraigned for murdering his mother, he was acquitted by Minerva ; and for this very natural reason—Having no Mother myself, said the goddess, the murder of a Mother touches not me.*

If Man had been formed unsusceptible of pain, he must have been a stranger to sympathy, and devoid of remorse ; for how should he understand what he had been doing, when he had inflicted pain on another ? He would have had no more conception of the feelings excited by a blow, or reproach, than one born blind has of the Idea of Colour. Incapable he must have been of distinguishing moral right from wrong, and therefore as incompetent to judge of Moral Conduct as the Athenian goddess, or as her effigies in wood or stone. Whether the Sense of Moral Right and Regard for Justice be in-

* *Lord Kames's History of Man*, II. 325 4to. 1774.

nate in the Mind, or only that the Mind is susceptible of acquiring this Faculty, it is, perhaps, as indispensable to the Moral Sense making its appearance, that the Mind should be placed under certain circumstances to call it forth, as it is that a seed should be placed in a soil and temperature adapted to its particular nature, to cause it to spring up.

The Moral Sense seems to be modified by the Incidents of Education, Fashion, Habit, Interest, not less than the qualities of a Plant are affected by Culture, Soil, and Climate. Like a Plant, too, the Moral Sense may either flourish or decline and die, through favourable or untoward circumstances. It may be starved by Poverty, it is choked by Riches.*

The Moral Sense has been called by some one "The Lamp of God placed in the Soul of Man;"† but, like other Lamps, it requires occasional tending, and should be neither under nor over fed; for whether the supply be too sparing or too copious, it will give but a dim light, and either extreme, whether of penury or abundance, will put it quite out.‡

It may, perhaps, be fairly assumed, that if any Man had been made by Nature perfectly independent, so that he had no need to regard the satisfaction of any other for the attainment of his own, it never would have occurred to him that others could be wronged by any conduct of his towards them, for certainly in proportion as any one conceives himself to *approximate* to Independence, his sympathy for others is observed to abate; he less and less regards what may befall others in consequence of his conduct, because he less and less thinks what may be its consequence. Could this remark require any illustration it will suffice to instance two subjects which have already been noticed in a former part of this Address, namely, the conduct of the

* "It is difficult for a rich Person to be right-minded, or a right-minded Person rich." Mrs. Carter's *Epictetus*, Frag. xviii.

† "The spirit of man is the candle of the Lord searching the inward parts." Prov. xx. 27.

‡ "While our fortunes exceed not the measure of real convenience, and are adapted to the exigencies of our station, we perceive the hand of Providence in our *gradual* and *successive* supplies." Rogers.

WHITES towards the BLACKS; and the *Sheep and Lamb* Exportation Law made in the Reign of the *Virgin Queen*.

If the *White* conceived and also *believed* that he should, within a short time, become the "*freehold or personal Property*" of the Black, that he should then be as much at the mercy of the Black as the Black is now at his mercy; if the *White* believed that the same measure of good or evil treatment which he now metes out to the Black, would, a short time hence, be meted out to *himself* by the Black in return, this would set the *White* a *thinking!**

* "TO THE KING'S MOST EXCELLENT MAJESTY.

"The humble Petition of the Planters and Merchants, and others interested in the British West India Colonies.

"We, your Majesty's most loyal subjects, Planters and Merchants, and others interested in your Majesty's West-India Colonies, humbly approach your Majesty with the expression of our loyalty and devotion to your Majesty's person and government.

"We appeal to your Majesty's paternal feelings which insure the extension of your Majesty's gracious protection equally to all your subjects, as well to the *weak* as to the powerful, to those in the most remote parts of your Empire, as to those nearest your Majesty's Person.

"We humbly beg to lay our case at your Majesty's feet, in confidence that it is only necessary to place it under your Majesty's view, in order to obtain protection for our just rights, and security for our property.

"We beg leave to state to your Majesty, that we hold our plantations in your Majesty's Colonies by *grants or purchases* from the Crown.

"That those grants and purchases were made, in some cases, under the *stipulation*, in all upon the understanding, that the lands so acquired were to be cultivated by NEGRO SLAVES.

* * * * *

"That various acts have been passed by the Legislatures of the Colonies, and have received the ROYAL approval, regulating in the most minute details the treatment of the *Slaves* by their *Masters*, affording protection to the one, and *recognizing the rights* of the other.

"That other acts have been passed by the SAME Legislatures, and have received the ROYAL approval, treating the *Slaves* in these Colonies as the PROPERTY of their Masters; and subjecting such *Slaves* and their *Issue* to ALL the restrictions and conditions which attach upon *any other property*; for some purposes considering *them* as FREEHOLD, for others as PERSONAL property.

* * * * *

If any *Individual Member* of ELIZABETH'S Parliament had had any expectation that he should ever be tempted to *export* a Sheep or

"That the several Courts of Law in THIS Kingdom have, by *repeated* decisions, regarded and decided on the *Property* in *Negroes* and their *Issue*, according to the Laws and Customs of THIS Kingdom and the Colonies, which relate to the inheritance, devise, settlement, conveyance, and securities for money, *recognizing in the proprietors a vested interest in the Slaves, their future issue and increase.*

* * * * *

"In a word, the *TITLE* of a *Master* to his *Slaves* and their *Issue*, has been *as completely and solemnly* recognized by the *LAW*, as the *title* of any of your *Majesty's* subjects to any other species of property.

"We humbly conceive, that in a case in which the parties are the *State* on the one hand, and any other class of your Majesty's subjects on the other, it cannot be necessary to prove any other title to *property* than that it has been recognized by the *State itself*; and we humbly conceive that, as against the right of the *State* to annihilate or to injure, in any degree, that property, such proof is *conclusive*.

"It has been urged with a view to shaking the title to *SUCH* property, that in its *origin* it will be found to have been vitiated by acts of *injustice* or *violence*. We might ask how much of the property of your Majesty's subjects, property held the most sacred, could shew a title in its *origin* free from *injustice* or *violence*? Whether *YOUR MAJESTY'S* title to those Colonies, though sanctioned by treaties and recognized by the law of nations, could stand that test? Whether it could be shewn that the *original* occupation of those countries by the nations of Europe was sustained by acts of *cruelty* or *violence* towards the native inhabitants; or how much of the *LANDED* property of Great Britain or *Ireland* could be retained by the present possessors if such a title required to be shewn? The general admission of this principle would shake property of *all* descriptions throughout your Majesty's dominions; and against a *partial* application of it to the property of your Majesty's subjects in the *Colonies*, we appeal in confidence to your Majesty, the dispenser of *equal* justice to *all* your subjects.

"If the *State* considers that the property of the West India Planters in their *Slaves* interferes with a great national object, it has a clear course, as in all cases where the property of individuals interferes with a public object, by offering them a fair *compensation* for the surrender of their property.

* * * * *

"Under these circumstances *we lay ourselves at your Majesty's feet*, and humbly pray that your Majesty will not, by the exercise of your Royal *Prerogative*, in any manner sanction or authorize any acts which may impair

a Lamb across the English Channel, and that he should be convicted of so doing, and that his goods would then become forfeited to the

the value of property in your Majesty's Colonies, so repeatedly and so solemnly recognized by *your Majesty, your Royal Predecessors, and the Parliament of Great Britain*, unless a fund should be previously provided for a *fair and sufficient compensation*.

* * * * *

“And your Petitioners will ever pray.”

Maidstone Journal, February 17, 1824.

“All human beings,” says Dr. Beattie, “who never injured society, have an equal right to liberty.”—*Moral Science*, Part II. §. 610.

“The Colonial Legislatures have not, and never could possess, in their petty jurisdictions, a power to make laws extinguishing the civil existence of unoffending British subjects by thousands and hundreds of thousands—a power not within the competence of the Legislature of the *Mother Country* itself to exercise, or to delegate to others. Such a power would at once annihilate the *British Constitution*.

“Of the Negroes in the West-Indies, some are unoffending, helpless foreigners, carried thither by an act of piracy, and forcibly detained in a state of slavery in violation of the general principle of the Law of Nations, which we recognize as a civilized people. That is the only law by which the question of Slavery, as it affects *them*, can be tried with any show of justice. Whatever may have been their condition in Africa, *we* know them only as innocent strangers, who, when they sailed on board British ships before the express abolition of the slave-trade, passed necessarily through the jurisdiction of the British Court of Admiralty on the high seas, and from that moment, at all events, became as free as if they had arrived in the River Thames. During the voyage, these unhappy human beings could be treated as slaves by no law but that of *brutal force*, for they were *legally free*; and their being carried on and *sold* in the Islands, was as to them an act of piracy, without requiring any *declaratory* law to make it so, as far as their *inalienable* rights were concerned. They were harmless aliens *pirated* on the high seas, and the *piracy* and the *pirate* were continued in the person of the Colonist, who bought stolen human beings, knowing them to have been stolen.

“These helpless foreigners owe no allegiance to the authority which oppresses them; they are still under the protection of the law of nations.”—“Among civilized nations, the *natural* rights of unoffending aliens are not the less sacred and unextinguishable because *no powerful arm is stretched out to support them*. They are held in slavery only by a violent and cruel

Crown, and that he would be imprisoned for a year, and at the end have his left hand cut off, and nailed up in a Market Town, it would

usurpation because *they* are weak, and not by any law which can, by the remotest possibility, impose obligations on them. When they are put to death for asserting, or indeed for *talking about* asserting, their natural rights, the act is as entirely an act of murder as when a pirate fires upon his prisoners, because they are not willing to submit to his injustice. Those of the negroes who are not aliens, are the *born* subjects of the British crown, held in slavery, *incredible as it might seem*, by other British subjects. Born within the King's allegiance, they possess as their BIRTH-RIGHT *all the general rights of Englishmen.*"—ANON. 1826.

In the appeal to his Majesty by these "*humble petitioners*," the Planters, and Merchants, and others, they do not pretend that the title of the Slave-owner to his Slaves, in the British West-India Colonies, was in its *origin* tenable—they tacitly admit that it originated only in "acts of injustice and violence," and that its validity rests solely on *subsequent* conventions and understandings between the Colonial and the British Legislatures, the proofs of which conventions they humbly conceive to be conclusive in establishing their title to a "freehold or personal property" in their Slaves. "We humbly conceive," say they, "that in a case in which the parties are the State on the one hand, and any other class of your Majesty's subjects on the other, it cannot be necessary to prove any other title to property than that it has been recognized by the State itself; and we humbly conceive that, as against the right of the State to annihilate or to injure, in any degree, that property, such proof is conclusive."—"The Humble Petition of the Planters, &c., to his Majesty, 1826."

Throughout this "*humble petition*," the Slaves—*beings* of the same nature as the Petitioners—in body and mind as susceptible of pains and pleasures from injuries and benefits as Slave-owners themselves, and with souls as valuable as theirs—are uniformly regarded as mere goods and chattels, as having no more feeling than inanimate matter—no more natural rights than the soil they are put to work upon. "The master," says Dr. Beattie, "buys a Slave and sells him with as little concern as we do a piece of household stuff."—"The life or death of Slaves in the eyes of the Slave-monger is of no more value than the money for which they might have been sold."—*Moral Science*, Part II. §. 601.

Because States are as morally bound as private Individuals to keep faith in their engagements, is it, therefore, *competent* to any State to entitle one *Human being* to take another *Human being* for his freehold or personal property, and for no crime?*

* "It ought never to be forgotten, that when Captain Hawkins, who seems to

have set him a thinking, and *hesitating*, too, before he gave his vote for the enactment of that diabolical Statute.

Is it *competent* to any State to make conventions with *one portion* of its subjects to entitle them to take and to retain the *PERSONS of another portion* of its subjects for their own private property, "*for some purposes considering them as freehold, for others as personal property*"—to entitle a Master to burn the initial letters of his name with a hot iron on the shoulder or other conspicuous part of the body of his Slave—to enact that such Slaves, their Masters' said "freehold or personal property," shall be worked and fed according to the arbitrary will and pleasure of their Master, shall be driven in gangs with a cart-whip to work in his plantations, and be scourged with the whip during the performance of their work by a driver, called a "*headman*," set over them by their Master for that purpose; and who shall as often as he chooses have any of them held down on the ground, naked, by their fellow-slaves, and inflict a certain number of lashes, leaving indelible lacerations made by his whip on their bodies; that at their Master's will his Slaves shall be linked together, and driven with the cart-whip to a market, or to an auction, to be sold to the highest bidder; and to enact that DEATH shall be the only deliverance of the Slave from this condition, and that this Inheritance be entailed on his *children*, and all "*their future issue and increase*," until the day of Judgment?

If we were to be informed that such doings had been practised for ages, and *were still in practice at this day* in some one of the BARBARY STATES, we should say that such doings were unjust. We *English* should be ready to *think* that such doings, of howsoever long standing, called aloud for REFORM; but whom should we think entitled to a "*fair compensation*"?—*whom?* the Oppressor or the Oppressed, the Slave-owner or the Slave? But what are conventions, which WHITES may have made between themselves, to regard and to treat *Blacks* and their future *issue and increase* only for their own interest, and with as little consideration for the feelings of Blacks as if they were tubs of sugar or logs of mahogany? However "*completely*" such conventions have been made and "*confirmed*," however "*solemnly and repeatedly recognized*" by those *Whites* among themselves, such conventions and understandings are nothing but confederacies made by the

have been the first Englishman that enrolled his name in the annals of villany as a Slave-trader, had made a piratical, kidnapping voyage to Africa, Queen Elizabeth, having heard of it, sent for him, and expressed her deep concern lest any of the African Negroes should be carried off without their free consent, *which, she declared, would be detestable, and could not fail to call down the vengeance of Heaven.*"—GIBBORNE'S *Mor. Phil.* Chap. xii.

It is a very ancient remark, *that Man being in honour doth not understand*; and why doth he not understand? Because he doth not consider. And why doth he not consider? Because, when he knows he can follow his own Will with *impunity*, he doth not understand why he should consider. And what, then, will lead him to *strong* among themselves, to prey upon the *powerless*, and to share the prey.*

Does not the *Slave-owner* know that the Slave never was a party to any convention or understanding between the Colonial and the British Legislatures? How, then, with any sense of Justice, can he imagine that his Slave is his "freehold or personal property," on the ground of any such understanding and convention? How truly was it said, that the condition of Master and Slave is as debasing in its effects on the *mind* of the Master as the Slave! "All History," says Dr. Beattie, "proves, and every rational philosopher admits, that liberty, as it promotes virtue and genius, slavery debases the understanding, and corrupts the heart of both the slave and the master."—"The master," says Montesquieu, "contracts with his slaves all sorts of ill habits, inures himself insensibly to neglect every moral virtue, and becomes proud, hard-hearted, violent, voluptuous, and cruel."—*Beattie's Moral Science*, Part II. §. 627.

Is it fit, then, that *Slave-owners* should have a vote in a British Senate; that a People who call themselves FREE should suffer *Slave-owners* to have a voice in making *their* laws?

May Slavery be speedily abolished throughout the British Dominions!

May no *Slave-owner* ever sit in another English Parliament!

May GEORGE IV. be the last King of England who *died* a king of Slaves!

* A few years ago the British Government undertook, in the case of some Italians (I believe) who had been captured and enslaved by the Algerines, to discuss with that State the question of right to "*compensation*" for the release of their captive Europeans. The *Mission* which the British Government sent to Algiers for that purpose, succeeded in convincing the Algerines of their error; the conference ended in their giving up their claim to "*compensation*" as untenable, and they agreed to emancipate all their European Slaves forthwith, and *gratis*.

And have the West-Indian *Slave-owners* a fairer title to "*compensation*," for the release of Individuals enslaved by the same "*injustice and violence*" as those Slaves of the Algerines?

With what consistency can the British Government award "*compensation*" to British Subjects for the emancipation of their *fellow-subjects*, enslaved avowedly by "injustice and violence," when they so recently battered down the Town of Algiers, burying the Inhabitants in its ruins, for setting up the same claim of "*Compensation*," but for the release of *foreigners*, with whose Nations, from time immemorial, the Algerines have had little intercourse but in the interchange of deadly injuries?

understand why he should consider? This will lead him to understand why he should consider—the conceiving he has an *Important Interest* pending on the subject, and his having an *Antagonist* to contend with that may be his match, or nearly his match, on the subject.* What set Earl Stanhope to writing Pamphlets about CURRENCY and CORN LAWS, but his Lordship's conceiving that he had an Important Interest pending on those subjects; and his having Antagonists to contend with thereon who were his Lordship's match, or *nearly* his match?

And what is it that has kept his Lordship so silent and so patient on the present occasion, but because he has comparatively so very little Interest in the Question here at Issue; and because, like the *Hare* that took a nap by the way, while the *Tortoise* was toddling along to the winning Post, his Lordship had so unequal an Antagonist to contend with? His Lordship had too little Interest in the Issue of this Inquiry, for the suspense occasioned by the Delay to give him any disquietude. Earl Stanhope very well knew, that whatever might be the merits of his Case, or the Decision of the Inquest, he was sure to come out of the Inquiry with no serious loss to his Pocket, and none to his Reputation. The love of Right, innate in the Human Breast, is supposed to be a sufficient Guard against committing Wrong, where there is no Temptation. It is universally assumed, that He who wilfully Wrongs another, must first do Violence to his own feelings; that there must first have been a struggle *within*, between Temptation and Principle. It is therefore assumed, that for the GREAT to commit *wilful* Wrong, the *quarry* must be worthy of the Spoiler. Eagles are reputed never to pounce wrens, and Lions not to lie in ambush to catch mice. In an affair like the Subject in question, the *Great* may wrong the *Small* without being thought the worse of. In such case, the Wrong done will be imputed to misconception, to ill advice, or to *any* cause rather than to a culpable motive. It is not so with *little Folk*. In *their* case the inference is just the reverse. In *their* case, however Upright a man may be in

* “Athletic Champions are displeased with a slight Autagonist,—
Difficulties are the Things that shew what Men are.”

his Dealings, he is not secure from being suspected of Fraud ; and the slightest suspicion *there* serves for Proof. In Disputes between the Small and the Great, whatever be the merits of the Cause, or the Issue of the Contest, the Great still meet with the same reception amongst those of their own Rank, and with the same homage from those below them.

The Strong tolerate each other to treat the Defenceless as they choose, with impunity. Those who cannot unite their strength and act in concert, must submit to the Will and Pleasure of those who can. In this condition the Inferior order must remain. For the sake of their own quiet, the *Great* are obliged to connive at each other's Injustice towards the Inferior order. Were the *Great* to interfere with one another for Ill-using the *Small*, they would be always at Loggerheads among themselves, and then neither *Small* nor *Great* could have any peace. But *little Folk* can look for respect only from Right Conduct ; having but few friends to interest themselves in their welfare, it is, therefore, amongst the few that *their All* is at stake ; and the more diminutive the circle in which a man is known, the more important is it to him that his Conduct be Upright, and his Character untainted ; the more careful need he be that his life be blameless.

Whenever an Accusation of *this sort* is made, however unmerited, it is hardly to be so repelled by the Accused, as to leave his character uninjured.

It is a liberal maxim in Criminal Judicature, that the Accused shall be presumed Innocent until after Trial and Conviction. Yet, in *this Country*, just the reverse of this Rule cannot but be the usual inference.

To the *honour of Englishmen*, from their abhorrence to accuse wrongfully, *few*, it is supposed, can prevail on themselves to prosecute when there are not indubitable proofs of the guilt of the Accused.

And in *this Country* the Accused and his Judges, that is to say, the Accused and the Jury, being alike amenable to the same Laws, and therefore sensible of the hardship of a wrongful conviction, it is naturally assumed that *each of his Judges* will *imagine* the Case of the

Accused to be his own, and that he will *not* convict where there is a possibility of committing error and convicting wrongfully.

The chance, therefore, that the Guilty has to escape conviction is so much in his favour, that, for the most part, an Acquittal by the Inquest still leaves *Imputation* behind. The Accused, although acquitted and *guiltless*, commonly leaves the Bar with infamy sticking on his Character.

The late Reverend Jeremiah Joyce, Earl Stanhope's Tutor, of whom I have before spoken in this Address, complained *bitterly* after his release from the Tower, that it was still insinuated and asserted that he was *morally* guilty ; * that "persons to whom part of the Public was likely to pay respectful, perhaps submissive deference," † "branded him with the *disgraceful epithet of an Acquitted Felon.*" ‡ And although he tells us, that what he had undergone had not lowered him in the estimation of his former friends, yet, even *THERE*, he admits there was *an exception or two.* § In speaking, indeed, of the reception he met with from the late Earl Stanhope and his Lordship's Family, Mr. Joyce observes, "Nor can I ever reflect but with sentiments of unfeigned respect and gratitude, upon the reception which I met with from Earl Stanhope and the Family of that Nobleman ; I have no words to express my feelings for the kind attentions shewn me." ||

I had no acquaintance whatever with Mr. Joyce, but it appears that Mr. Joyce was an Advocate for Parliamentary Reform, and that the *THEN* Ruling Powers accused him of "*Treasonable Practices.*" But I assume that he was not guilty of the Offences laid to his charge ; for, after several months' Imprisonment, he was released *for want of Evidence to convict him.*

But this we all know, that to Accuse any one wrongfully is considered so abhorrent to Englishmen, that any person who hears that such or such an one is going to be Tried for any alleged Crime, and more especially if it be a charge of Dishonesty, although the hearer thereof knows nothing of the Case, yet he naturally sets the Accused down

* An Account of Mr. Joyce's Arrest, &c., p. 27.

† Ibid. p. 26.

‡ Ibid. pp. 26, 27, 29.

§ Ibid. p. 24.

|| Ibid.

in his estimation as a person of whose guilt there are nine chances to one.

In the Accusation before you, the Accuser and the Accused are on so unequal a footing, that if Earl Stanhope had owed me some secret grudge, which he did not choose to avow, he could not have taken a more covert, nor a surer, way to gratify his revenge.

Where there is so great a disparity between the parties at issue, whatever the Greater *may* lose by a *just* Sentence passed against *him*, in comparison to what the Lesser *must* lose, even with Sentence given *in his favour*, is not that of an Oyster-shell to a Pearl.

Earl Stanhope must well know that he could receive no very serious harm from a Reference to Arbitration, whatever might be the Result of the Inquiry; that whatever might prove to be the merits of his Case—whatever might be the Award of the Referees, he would be sure to have credit for the purity of his motives.*

If the Accuser and the Accused had been on Equal footing with regard to the *Consequences* of a Decision given against either, I believe Earl Stanhope would have viewed the Arguments of Justification contained in my Letter to his Lordship in a very different light.

Under such circumstances, I think his Lordship would not have proposed a Reference to Arbitration, to inquire whether, in order to ascertain the Quantity of Land in Chevening Park, it was necessary to take Dimensions of it! Nor yet to satisfy *me*, that after I had done his Lordship's Work to *his* satisfaction, without his previously inquiring a word about my price, it was unreasonable and exorbitant for me to charge his Lordship even a lower price than I had been in the habit of receiving for twenty years from the neighbouring Gentlemen.

I stated this Fact in my Letter to Earl Stanhope, merely to shew that in my Charges for the Work in Question no distinction had

* "With partial eye we're apt to see
The man of noble pedigree." GAY.

"Such is naturally our affection, that whom, in great things, we mightily admire, in them we are not persuaded *willingly* that any thing should be amiss."—HOOKER.

been made to his Lordship's disadvantage, *but the contrary*. To which statement Earl Stanhope replies, "As to the Charges which you state to have been paid by some other Gentlemen in this neighbourhood, that circumstance does not alter Earl Stanhope's opinion upon the point, and need not regulate his conduct." That that circumstance *need not* regulate Earl Stanhope's conduct I have already admitted: and that I am aware *why* it need not regulate Earl Stanhope's conduct, I have already herein shewn at large, on the ground of the DISPARITY between the Parties at Issue. I shall now, however, give my reasons why, on the ground of an *Implied Agreement*, I consider "*that circumstance*" might have been justly expected to regulate Earl Stanhope's conduct, and to convince his Lordship that he had no right to complain of my charge.

"If your Tailor or your Draper" (says Dr. Paley) "charge, or even *ask* of you more for a suit of clothes than the Market Price, you complain that you are imposed upon; you pronounce the Tradesman who makes such a charge *dishonest*; although, as the man's goods were his own, and he had a right to prescribe the terms upon which he would consent to part with them, it may be questioned what dishonesty there can be in the case, and wherein the imposition consists.—Whoever opens a shop, or in any manner exposes goods to public sale, virtually engages to deal with his customers at a *market price*; because it is upon the faith and idea of such an engagement that any one comes within his shop-doors, or offers to treat with him. This is expected by the Buyer; is known to be so expected by the Seller; which is enough to make it a part of the Contract between them, though not a syllable be said about it;" for, "*whatever is expected by one side, and is known to be so expected by the other, is to be deemed a part and Condition of the Contract.*" *

This Rule, given for cases of *Implied Contract*, I take to be just, and to apply to the matter in hand. The first consideration is, what is the *Market Price* for *Surveying*? The price which any Commodity will fetch to the Producer for the whole of that Commodity which he can supply, is to him the *Market Price* of his Commodity.

* *Moral Philosophy*, pp. 122, 124, 4to, 1786.

The price which my Employers are willing to pay me for my Work, is to me the *Market price* of my Work: and if Earl Stanhope had inquired my Terms of charge before the Work had been entered on, and if his Lordship had not acceded to them, I should have declined the Undertaking, rather than engage in it for a lower price; but that Earl Stanhope *knowingly* excited the expectation that he would pay me such price, I can no more prove, than his Lordship can that I expected no higher Pay than some other Person might have charged him, however ill he had performed his work.

But what were the Terms on either side that must have been mutually understood when his Lordship set me to work? Did not Earl Stanhope expect to have as great care bestowed on *his* Work as I was accustomed to bestow on that of my other Employers? Earl Stanhope certainly expressed his solicitude that the Work might be done correctly; and when I requested his leave to apply to Mr. Brown to assist me in the Measurement, on account of his Lordship's being desirous to have the Work completed as early as possible, it was not instantaneously that his Lordship gave his consent; but, after some hesitation, his Lordship, with considerable earnestness, made this reply—"Will you assure me that Mr. Brown will do it as correctly as you would yourself?" and it was not without the most positive assurance of my confidence in Mr. Brown's skill and integrity that I obtained his Lordship's leave to apply to him. I have already stated that I had *three* Interviews with Earl Stanhope before the Re-measurement was begun, and that at both the first and second interview (between which was a month's interval) the Question, as to the necessity of Re-measuring the *whole* of the Park, was discussed for a considerable time, and yet that Earl Stanhope made no inquiry about my Terms of charge. If it did not occur to his Lordship to make such inquiry, merely through inadvertence and oversight, still such omission must naturally excite in me the expectation that his Lordship was willing to pay me according to my customary charge to other Persons. The Question then will be this—Supposing Earl Stanhope's omission to make such inquiry was merely an oversight, whether his Lordship is thereby justified in disappointing the *expectation* which his oversight had naturally excited?

Suppose Earl Stanhope had a Son whom he wished to educate at a public School, would his Lordship expect the Master to take the care and instruction of his Son at a lower price than his customary charge for other Gentlemen's sons? If his Lordship were to place his Son at such a School, without making any previous inquiry of the Master's terms, would not this be to excite an *expectation* in the Master, that his Lordship was willing to pay after the same rate as other Gentlemen paid him?

Whether Earl Stanhope would hold this to be "*knowingly and voluntarily*" to excite such expectation, is not for me to say.

But if, after his Lordship's Son had been so placed, and had received a twelvemonth's Instruction, the Master were to send in his Bill, charged according to his *customary terms*, could any one think it *justice*, if, instead of paying his demand, his Lordship were to put him off with an offer to Refer his Bill "*to Arbitration*," assigning as his Reason for refusing to pay it, that, in his Lordship's *opinion*, the Charge was "*unreasonable and exorbitant*;" and that he had been informed, by some Persons of whom he had made inquiry, that Boys had been very well Boarded and Taught at a lower rate of charge at some other School?

Whatever might be Earl Stanhope's opinion on this point, in the case here supposed, or however his Lordship might be advised by some Persons upon such an occasion, I am persuaded, no impartial person could think such *dealing* fair; and for the same reason I contend that Earl Stanhope was not morally justified in setting me to Work, without making any inquiry about my Terms, and, after his Lordship had got his work done to his satisfaction, to refuse to pay me, even at a lower rate of charge than the neighbouring Gentlemen had, for a course of so many years, paid me for theirs.

I have followed Surveying thirty-six years,* and nothing of this kind has ever occurred between me and any of my other Employers, and why Earl Stanhope should imagine that his Neighbours have been so much more easily over-reached than himself, is a Riddle

* This was written in 1827, expecting the proposed Arbitration would then take place.

which I am utterly unable to solve. If there are *cheaper* Surveyors, why, amongst so many Candidates for Patronage, should my other Employers have been induced to give me a higher price, but from an opinion that they should not have their Work done so correctly by other Persons at a Lower one ; and, therefore, that the correcter Work, although at a higher charge, was better worth their money ? That Persons might have been found to undertake the Work in Question at a lower price per Acre than I have charged, is very possible. Whoever has occasion for Services, of which he may not immediately discern whether they are well or ill performed, may always find persons ready to close a bargain with him upon his own terms, nor is it any wonder if Pretenders should, for a time, give satisfaction to such Employers. It is well known, that in all Professions, where the *exterior* of Worth can be cheaply imitated, Counterfeits will always abound. In every Branch of Manufacture, and in every kind of Employment followed for *hire*, whether the subject be manual or mental, articles are fabricated for cheapness and *deception*.

To impose on the Inexperienced and Credulous, the Mint and the Laboratory, the Lathe and the Loom, the Pen and the Press, are always in motion. Amongst every Order of the Community, are there not always Candidates for office who are unqualified to perform its duties ?

It is true, the Calling of a Land-surveyor in making a Map of an Estate, may be considered as merely that of making a Schedule of Property ; yet, if the Map be erroneous, it may be as detrimental to his Employer's interest, as an embezzlement of his Property. For though it is not in the power of the Surveyor to change the quality of the Soil, or to affect the Title to the Inheritance, yet, through incompetency, or through negligence in the performance of his Trust, he may commit as great injustice as the Fabricator or Vender of a worthless and deceitful Commodity. For what is a *false* and *erroneous* Map, but a counterfeit Article—a base Coin, bearing the Image and Superscription of Sterling worth ?

I have frequently had Maps come into my hands, which I have found so very inaccurate as to warrant the inference, that the Sur-

veyors by whom they were made were not in the habit of exercising any check over their work, for otherwise so many Errors could not have escaped their observation; and if the omission of *Proof* be a common practice with some Surveyors, the difference in the methods of Surveying, pursued by different Practitioners, will sufficiently account for, and justify, a *considerable* difference in their respective Charges.

It is but justice that the pay of the Workman bear a respect to the quality of the Workmanship. A Cultivator of Land, who improves the soil, may obtain a recompence in the additional produce. A Dealer in Merchandise may receive a reward for his Integrity, in an increase of his Customers. But the Individual whose employment is *task* work, who maketh all his Work by number, who setteth his mind to his Work, and watcheth to polish it perfectly; to him, Patronage alone, favour that will not afford bread, is not a sufficient recompence. In *his* Work, the superior quality which increases the demand for his Articles, does, in a great measure, diminish the supply; the better workmanship requiring not only superior skill and greater care, but also longer time to perfect it in: and if his loss by the diminution in the *number*, be not compensated by a *higher* price for the Articles, the first principle of Justice will be reversed; the recompence for the labour will be in an inverse ratio to the desert of the Workman; the better the quality of his Work, the greater will be his loss.

Suppose Earl Stanhope were to apply to any respectable Optician or Jeweller for some of his Commodities, would his Lordship expect that Articles of the best manufacture, in either of those Callings, could be afforded at the same prices as the trumpery *wares* of an Itinerant vender? * Would his Lordship expect to purchase a Coronet, at the same price, whether it were made of *gold*, or of an inferior metal; whether it owed its brilliance to factitious gems, or to *rubies* and *diamonds*? Or suppose Earl Stanhope were about to purchase an

* Does not your Lordship pay Mr. William H—, and likewise Mr. William *—, your Portrait Painters, a higher price for painting your *Lordship's* Portraits than you would expect to be charged by a Painter of Portraits for *Sign-posts*? !!

Estate, or to make his Will, would he consider the *cheapness* of the Deeds, rather than the *qualifications* of the Conveyancer; would his Lordship think it *ECONOMY* to save a few pounds in the expense of the Writings, when put in the balance against a defective Title, or a flaw in a Testament? Earl Stanhope, assuredly, would recognize Equity in the case of the Lawyer; why, then, does he withhold the same measure of Justice from the Surveyor? Why should he duly appreciate Merit in the *one*, and yet hold so cheap Desert in the *other*? It is not that his Lordship thinks lightly of correctness in a Map, but that he little thinks what is required for its attainment. Earl Stanhope may, for aught I know, be master of every Science, he may be familiar with the Principles of Surveying; but the occasion of this Meeting had never occurred if his Lordship had formed any tolerable notion of the *detail* in the Practice. His Lordship may know that Land-measuring is performed by various methods, but he may not be sufficiently aware that every mode of Operation is, from various causes, liable to Error—that through the Impediments commonly met with in the Practice, the more simple modes of Measuring Land, although not defective in *Theory*, are, in frequent cases, very inefficient in their application—that by adopting the most eligible Process in common Surveying, we can only approximate to the Accuracy desired—that the degree of confidence due to the Work chiefly depends on the mode of Verification, and that the more rigid modes of Proof call for superior Acquirements and extra time for their performance.

In every Calling the Eyes of the Labourer are looking towards the Recompence;* but it is not in every Calling that his Views are so narrowly bounded as to comprehend no other reward than emolument. Nor is a Surveyor circumstanced exactly the same as a Vender of the Common Articles of Traffic, in which it is the business of the Vender to provide a Stock of similar Articles, of different qualities, to suit the respective occasions and tastes of different Customers. In such Commodities the Buyer is supposed to know, and he com-

* He that laboureth, laboureth for himself, for his mouth craveth it of him.—Prov. xvi. 26.

monly does know, what will best suit his own purpose, and he has a right to use his own judgment; the reasons which determine his choice are his own private concern, and may not be known to the Seller. A Dealer, therefore, deems *that* a good Article which his Customers are willing to buy; and his Conduct may be perfectly upright, although the Buyer make an injudicious Choice, if the Price charged for the Article does not exceed its marketable worth. The Buyer pays down the Price for the Article which he takes, and there is an end of the business. It is not so with the Surveyor; he cannot regulate his *labour* to accommodate his Employer's judgment, nor his humour. He knows that other Persons also are interested in the *correctness* of his work. In a Survey, the Owner of the Estate, the Occupier, the Labourer on the Soil, and the Purchaser of its Produce, when the Produce is sold by the Acre, have *equal* claims to Justice at the hands of the Surveyor. In the subsequent Transfers, Partitions, and Exchanges, which may take place, for a long period of years, in the Property Surveyed, the Surveyor owes the same fidelity to all the Parties whose interests may be affected by his Labours. He knows, that after his *utmost* care, his Work may not be free from *error*, but he knows not how much Injustice *Error* may cause before it be discovered, nor what *vexatious and expensive Disputes afterward*. He knows that in *every* Work in which he has been engaged, he has still a *permanent* Interest at stake: he knows that Moral Character, *once* forfeited, admits of no redemption; that *once* lost, it is gone for ever: that, sooner or later, the quality of his Work will be known, and that if it shall appear that Integrity was wanting, Infamy will be branded in his Forehead, or carved on his Monument. In a word, Surveying is an Employment both of Difficulty and Trust. It requires Ingenuity and Integrity; Patience to acquire Skill, and *Patience to be Honest*. But if there is no prospect of an adequate recompence to sweeten the toil, Persons possessing the needful Qualities for the Profession, will not be induced to engage in it. It has been asked upon a different occasion, and the same Question is not less apposite to the present subject,—Where Loss and Disrepute will be the requital for Integrity, what Man of Integrity will engage in the pursuit; if, where the more

conscientiously the Trust is discharged, the more detrimental it will be to him, both to his pocket and his credit? And if such Persons decline the Undertaking, into whose Hands is it likely to fall—into the Hands of Those who, if they could do it well, would not, on account of the price; or of Those who, if they would do it well, possess not the ability?

Erroneous as I have found this Map of Earl Stanhope's Estate in the Contents of many of the pieces of Land which I have remeasured, I cannot say whether or not the Work was done as correctly as it could be afforded at the price which the Surveyor charged for it. I know not what were the terms of that Surveyor's charge, but if his charge for this Survey was as much below the price it was worth to Measure and Map this Estate correctly at that date, namely, 1776, as the price which Earl Stanhope intimated in his Reply to my Letter has been charged for Surveys, namely, *sixpence* per Acre, is below what it was worth to do this work in 1817,—I say, that incorrectly as that Work was done, the price charged for it was very inadequate to the labour. That Surveyor has been dead many years, and therefore cannot now answer for himself. But whatever might be his charge, or however erroneous this Work, his ability in his Profession, I believe, was unquestionable. By all report he was a person of superior talent and acquirements, in high repute both as a Land-Surveyor and a Land-Agent; but from what I was, many years ago, informed by the person who attended him to shew him the Land when he Measured the Cudham Property, I have good reason to believe he went over the Ground much too expeditiously to take the dimensions correctly. And as to the subsequent calculations of the Contents, it is certain that in some instances they could not have been proved.

This Map was made, as has been above stated, in the year 1776, for Earl Stanhope's Grandfather, to whom the Surveyor who made this Map was Land-Agent. About *sixteen* years after which date, the *growth* of those two pieces of Wood-land in Cudham, above-named at page 30, was sold on the stub at a certain price per Acre, to the late Mr. Eaton, but the produce falling much short of the quantity which he expected, he supposed there could not be so

many Acres of Land in these Woods as the Map expressed—upon which occasion the late Earl Stanhope employed me, in the year 1793, to remeasure the same to ascertain the fact, and the result, according to my Measurement, proved the Map was wrong.

After this discovery his Lordship employed me to Measure several other Woods as they came to be felled, *and the growth sold by the Acre*. Upon these occasions I often found considerable errors in the Map, in some instances the quantity according to the Map being *several Acres* in a Wood too much, and in other instances *some Acres* in a Wood too little.

The Surveyor who made this Map was living *at the time* of the discovery of *several* of these errors in the measurements of these Woods, and he continued in his Office of *Land-Agent* to the late Earl Stanhope for several years afterward. Whether his Lordship ever acquainted him with the discovery of these errors, I never heard, but this I can affirm with certainty—the late Earl Stanhope was “*a competent person*” to judge “*upon the question itself*” as to whose Measurement was right and whose wrong. The late Earl Stanhope was “*a person of much knowledge and experience on these subjects.*” I can say, that I have not only worked *for*, but I have worked *with*, and have been taught by, his Lordship in my own Calling.—Upon several occasions, in Surveys of Ground for projected improvements of PUBLIC interest, his Lordship, that he might speak on the subject on his own authority, would take the Angles on the Ground *himself*. He used to take particular pleasure in speaking of the part which he performed in the Survey for the BUDE CANAL, and in telling that he carried *his Theodolite*, which, by the bye, was no *flimsy* Tool, on his shoulder *ninety* miles in the course of that Survey. This was somewhat more for a Nobleman to have to talk of, than might be supposed by any Surveyor who never had on his shoulder any other than an ordinary low-priced Theodolite.

In some of the pieces of Land, part of this Estate, in which there is a *wide* difference between the quantity according to this Map, and the quantity of the same pieces according to my measurement, the *linear dimensions* as laid down in the Map agree by Scale, or nearly agree, with the dimensions of the corresponding parts according to

my measurement of the same. In such instances, therefore, it is morally certain that the dimensions of the *ground* were correctly taken by both Surveyors, and that the *wide* difference in the quantities made by the different Surveyors must have arisen from error in *calculating* the Contents. His Lordship, therefore, could, by the application of Scale and Compasses to the Plan, ascertain whose Measurement was right and whose was wrong.

A Map, however, may be very erroneous without exciting any suspicion, by its appearance, of any error in it. In the *first* example of errors in this Map instanced above, (at p. 30,) the *form* of each of those two pieces of Wood-land is laid down in the Map sufficiently correct not to excite any suspicion of error in the *quantity* on that account; and what person, what *Surveyor*, on a *view* of a piece of standing Wood-Land, adjoining to other Wood-land, is competent to guess with *any certainty*, within an *acre or two*, in a piece of *twenty acres*, of the true quantity it contains? In the other example of errors at p. 30, although the *Plan* as well as the *quantity* in each of those two Pieces is very incorrect, yet in *neither* Piece is the true *form* much distorted in appearance, and perhaps would never have been noticed if the *Land* had not been remeasured—and the error in the quantity of those two pieces, although in so great a proportion as two acres in less than nine acres of Land, had, it seems, passed undiscovered from the year 1776 until 1819, a period of *forty-three years*.*

* It is far from an agreeable office to have to impugn the work of one who cannot now answer for himself—who was a stranger to me—and whose terms of charge for his work I know nothing of. But it is essential to my Vindication to allege the incorrectness of the Work which I was employed to revise, and the importance of correctness in a Survey. This instance is also an example of what is asserted above, (p. 176,) “That sooner or later the quality of a Surveyor’s Work will be known,” “and that in every Work in which he has been engaged he has a permanent Interest at stake.”

It is of frequent occurrence that the Surveyor’s *name* signed in a Map is not the name of the Surveyor who actually Measured the Land, or the *whole* of the Land, therein described, because it frequently happens that a

In general, a Surveyor's Employers are necessarily incompetent to discriminate as to the *intrinsic* merits of his Performance, because the Accuracy of a Survey can be ascertained only by actual Measurement of the Land; and some Gentlemen seem to be under the notion that the finding the *Quantity* of Land in any Survey is effected by as simple a process as that of measuring the *distances* along a Turnpike-Road for the purpose of setting up *Milestones*. Correctness in the *quantity* of Land in a Survey is therefore considered, by such Persons, to be but a matter of course; whereas the truth is, as you Gentlemen well know, that to ascertain the true quantity, constitutes not only the chief labour in a Survey, but also the chief difficulty—is that part of the Performance which principally requires an acquaintance with Science, and the only Part which affords exercise to Principle.

I believe it is a just remark in respect to Services in general, that what is not well understood, is, for the most part, undervalued. In respect to Work which requires ingenuity to perform, it is frequently observed, that Persons who are unacquainted with the process of the Art are disposed to judge illiberally of the probity and the pretensions of the Artist—to misconstrue the arguments of Truth

Survey is required to be completed in a shorter time than the Surveyor employed by the Proprietor of the Land can get through the Work without assistance. Obligated, therefore, to avail himself of the aid of an Associate or Substitute, his Credit is of necessity trusted in the Deputy's hand at the risk of his committing casual mistakes, and of his want of Integrity. The errors, however, may not be discovered until long after both the Principal and the Deputy have been in their graves. The Credit of the Principal may therefore be wrongfully impugned long after he has been in his grave, and cannot answer for himself, and his Remembrance cursed by the *Injured*, through the Errors committed by the Deputy. To do my endeavour to obviate this fate, I have never employed any one to assist me in any part of my Work of whose skill I was not thoroughly certain, and in whose Integrity I did not place the fullest confidence; and whom I have accounted worthy of being trusted with my Credit, I have on every occasion trusted to set the price on his Work, and I have never paid him, nor ever thought of his taking less than his charge. If, therefore, my confidence has ever been misplaced, it has been my misfortune, and not my fault.

for dictates of Interest—the sentiments of Candour for guiles of a Calling. To this cause it may be attributed that Surveyors sometimes meet with Employers who higgles and chaffer as much in making a Bargain as if a few pence per Acre were the only consideration on the subject they could think worthy of their solicitude, forgetting that the Workman must Live by his Labour, and that his Labour must therefore be stinted to the price his Employer is content to pay. No wonder, then, that Maps so often abound with all sorts of Inaccuracies, nor that the grossest Inaccuracies should pass without suspicion, until the *Hotch-potch of Blunders* has brewed up Contention and Ill-will is some After-age.

If the proposed Arbitration had taken place, I should now have laid before the Referees a Copy of your Lordship's old Map of Chevening Park, which shews *every line* exactly as it stood in that Map before I had made a single erasure in it for the required corrections. I could not have been guilty of an attempt at imposition by forgery in this Copy, without knowing it was open to immediate detection, because your Lordship has a Duplicate of the Old Map, made by the same Surveyor, (I believe,) and of the same date as that Map. It would then have been for the Referees to go over the Park with my Copy, or else with your *unaltered* Map in their hand, and after having compared it with the Park, to say if it was possible for any Surveyor, without first *Remeasuring* the *WHOLE* Park, to make the Corrections which I have *herein* proved by *Mr. Fletcher's Letter* to me, (see above, p. 34,) your Lordship *did require me to make*. By comparing the *unaltered* Old Map of the Park with the Park and the *New Map*, it would have been shewn that the Park had been *enlarged* by upwards of *Sixty Acres* of Land, which was purchased by your Grandfather *subsequently* to the date of the Old Map, about *forty acres* of which newly-purchased Land your Lordship, I believe, had no Map of antecedently to my Survey of the Park in 1817. And moreover, it would have been seen, that this additional Land was *intermixed* with the Park, and the former connecting boundaries between those different Properties *completely obliterated*, and also, that *since* the date of the Old Map, namely 1776, almost the whole of the *interior* of the Park had been totally altered. All this would

have been proved if the proposed Arbitration had taken place, and all this is equally open to proof by inspection NOW.

It is impossible that any person "competent" to measure and map Chevening Park could tell your Lordship that the Alterations which you required could be made without Remeasuring the whole Park. The contrary is indeed asserted by your Steward in the Answer which he states your Lordship desired him to return to my Letter to you, dated December 7th, 1818 (see above, p. 34). The passage here alluded to is as follows: "*It will appear by an inspection of the original Map, which is on a larger Scale than that which you altered, and which Earl Stanhope has shewn to me, that there did not exist any necessity whatever to remeasure the whole Park.*" But your Lordship's Steward who WROTE this assertion does not pretend to be a Land-measurer, and, doubtless, did not consider himself responsible for the contents of a Letter which he wrote from your Lordship's dictation, merely in the capacity of a Secretary, and which, he says at the outset, he wrote by your desire. In asserting, therefore, "*that there did not exist any necessity whatever to remeasure the whole Park,*" your Lordship's Steward tells me so, not on his own authority, but on your Lordship's; and if your Lordship's Steward has likewise told your Lordship "*that there did not exist any necessity whatever to remeasure the whole Park,*" it must have been because your Lordship told your Lordship's Steward so first, and then your Lordship's Steward told your Lordship so out of deference to your Lordship's Judgment.

This unfounded assertion can be justly imputed to your Lordship alone. I do not say it was your fault—but your mistake,—that you had "missed your aim, and had got out of your way," and needed some one to CONVINCE you of your error and shew you right.

Put your *unaltered* Map, my Lord, into the hand of any person "competent" to measure and map Chevening Park, and let him go over the Park with it and compare the Map with the Land, and he will not tell you that the alterations which have been made in the Land since that Map was made, could be correctly laid down in a new Map without remeasuring the *whole Park*; no "competent person" would so belie his conscience.

Your Lordship regrets the *delay* which prevented the proposed Arbitration taking place (see above, p. 12). If the Arbitration had taken place, and if it had been immediately after your appointment of Mr. Scott for your Arbitrator, does your Lordship suppose that the Cause between us would have been adjudged with more justice to *you*, than you *yourself* have adjudged it? *

Mr. Scott is a stranger to me. I know nothing of him, but from the information of Mr. Fletcher, who, when he mentioned Mr. Scott's name to me as your Lordship's intended Referee, told me Mr. Scott was a respectable Land-Surveyor, of considerable practice in Surrey. I know nothing whatever of Mr. Scott's terms of charge for his work; but if Mr. Scott charged your Lordship any thing near a fair remuneration for his time, when you employed him upon the occasions herein before mentioned, and on which he proved the inaccuracy of your old Map, (see above, p. 30,) I very well know that the instant your Lordship had read Mr. Scott's Bill, you gave a pretty sure guess that Mr. Scott was no "*competent person*" for your Lordship to place on the Bench, to pronounce that the charges contained in my Bill were "*unreasonable and exorbitant*."

And can your Lordship think that Mr. Scott would have pronounced "*that there did not exist any necessity whatever to remeasure the whole Park*," when, upon both occasions in which you had employed him to measure Land to try the accuracy of that Map, he proved it to be *grossly* erroneous—more than *two acres* wrong in less than *forty* acres of Land in one instance, and *two* acres wrong in less than *nine* acres of Land in the other instance? Does your Lordship imagine that Mr. Scott could have pronounced that the "*quantities*" expressed in such a Map as *that*, ought to have been relied on and taken for correct without remeasurement? No; Mr. Scott never could have spoken so against his conviction.

Nothing, certainly, could be more fair and liberal on the part of your Lordship, than your appointing a person for your Referee

* "He [*Earl Stanhope*] thinks that, in justice to himself and for your satisfaction, your Bill ought to be referred to Arbitration."—Letter from Mr. Fletcher: see above, p. 34.

whom you had previously employed to Measure part of this very Property after me, to discover whether my Work or the old Map was in error, and who had proved to you that my Work was right and your old Map grossly wrong. But if *these proofs* did not convince you that your old Map could not be corrected without remeasuring the whole Park, what upon earth would convince you?

After these proofs of the gross falsity of your old Map, if there had been no other proof of its necessity, there was not a shadow of a *pretext* for you any longer to adhere to your accusation, "*that there did not exist any necessity whatever to remeasure the whole Park.*"

As to the Vindication of my charges—When Mr. Fletcher called on me in September, 1828, (see above, p. 6,) to sound me if I would be willing to make an abatement of my Bill, and I refused to listen to any such proposal, declaring at the same time that as Earl Stanhope still persisted in his accusation of my having exceeded his order in the extent of the Work done, the *first* point to settle between us was, *whether his Lordship accused me wrongfully*, Mr. Fletcher inquired whether, if the objection to my having measured Land unnecessarily were to be *waved*, I would agree to reduce my rate of charge of *sixteen pence* per acre* to a shilling per acre. He said that Earl Stanhope had lately made inquiries of the charges of London Surveyors, and that their general price for Measuring and Mapping Land was a *shilling* per acre. By your Lordship's own shewing, then, the general charge of London Surveyors, in 1828, for Measuring and Mapping Land, was a shilling per acre. And was this also their charge for Measuring and making *two* Maps of such Land as *Chevening Park*? Or was it their charge for Measuring and making a Map of *common farms*? And was the price of Flour *six pounds* per sack, and the price of Malt twelve shillings and sixpence per bushel in 1828, which was the case in this neighbourhood in 1817, at the time Chevening Park was Measured and Mapped for your Lordship?

When you first objected to my *rate* of charge, you desired

* Earl Stanhope had an extra Map made of the Park, the charge for which was included in this charge of 16*d.* per acre.

Mr. Fletcher to state in his Letter to me upon that occasion, that you had been informed by Persons of much knowledge and experience on these subjects, that the charges contained in my Bill were exorbitant, and "that Estates have been accurately and neatly Mapped for *sixpence* per acre." (See above, p. 34.) This was in 1818. But on a subsequent inquiry, after a lapse of TEN years, you learn that the general price of London Surveyors for Measuring and Mapping Land is then TWO sixpences per acre. So then, notwithstanding "the price of Provisions" had, according to *your own statement* in the House of Lords, been lowered *fifty* per cent.,* the price of Measuring and Mapping Land had been *doubled*. When your Lordship communicated this discovery to those knowing and experienced Persons who, at the outset, informed you "that Estates have been accurately and neatly Mapped for *sixpence* per acre," I wonder whether those Persons attributed this "*most marvellous alteration*" in the price of Measuring and Mapping Estates to the "MARCH OF INTELLECT," of which, as your Lordship has remarked, "we have heard so much ;"† or whether, if they knew not the cause, they suggested to your Lordship "it would be a fit subject of inquiry by the Royal Society and in the two Universities"—"that it might be proposed as a Prize to ascertain the cause of this *most marvellous alteration*" ? Or whether did both your Lordship and those knowing and experienced Persons, your Lordship's Advisers, content yourselves with setting down this "*most marvellous alteration*" among those other wonders which, as your Lordship has also remarked, "must excite our astonishment till the cause is explained, and then, as in the story of Columbus and the Egg, we only wonder at ourselves for not having discovered it sooner" ? ‡

* *Report of your Lordship's Speech in the House of Lords, February 4, 1823 ; Mr. Cobbett's Weekly Register, pp. 286—288, 290, 291, May 3, 1823.*

† A Letter from Earl Stanhope to the Owners and Occupiers of Sheep Farms, pp. 16, 17. 1828.

‡ Ibid.

If a shilling per acre was a *fair* price for Measuring and Mapping Land in 1828, could your Lordship *think* a shilling per acre a sufficient remuneration for Measuring and making *two* Maps of the same in 1817, when the price of the necessary articles of subsistence was *so much* higher than in 1828? How, then, could you in conscience *assent* to Mr. Fletcher's proposal of coming to me in 1828, to make an offer of paying me no more than a shilling per acre for work done in 1817, and after you had had the use of the money *eleven years*? This was *EQUITABLE ADJUSTMENT* with a witness—this was adjusting the payment of a Debt to the raised value of the Currency with a vengeance.

I have now done that which I apprized your Lordship in my last Letter to Mr. Fletcher I would reserve my right to do. I have herein replied to your Remarks in Answer to my Letter to you of the 28th May. (See above, p. 14.) And I have stated my Case to my Neighbours just the same as I should have done to the Referees in your presence, if the proposed Arbitration had taken place. I have herein also shewn to my Neighbours that it was not ultimately my fault that the proposed Arbitration did not take place, but that, because your Lordship could not find an Arbitrator to your satisfaction, you at length paid me my Bill—that, on your being urged to the utmost degree to proceed in the proposed Arbitration, you sent me the Money, not because your *opinion* “upon the question itself” was altered, but because you could find no “*competent person*” to abet you in it. Whether your opinion upon a question, when *once* pronounced, is as unalterable as the law of the Medes and Persians, I know not—but this *you* know, that you could not go into the Arbitration but with the certainty of being cast. You could find no Surveyor who could in his conscience tell you that I had Measured more Land upon this occasion than was requisite to execute the commission you gave me, and to do you justice in the work.

Although your Lordship at length paid me my Bill, you have never withdrawn your Accusations. I have, therefore, printed this Statement of the Dispute between us, to submit to my Neighbours what I had to offer in my Defence, to refute your unfounded *opi-*

nions, and to clear myself of the undeserved imputation of having attempted to defraud you.

In the hope that the perusal of this Address will help your Lordship to acquire a more adequate notion of *remuneration*, and a more equitable notion of *justice*,

I remain, my Lord,

Faithfully,

Your Lordship's painful Admonisher,

ABRAHAM BARHAM.

Chipsted, March 15, 1831.

This Address to be had only of the Author.

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